United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, SEPTEMBER 20, 2006 *No. 118*

House of Representatives

The House met at 10 a.m.

The Most Reverend Donald W. Wuerl, Archbishop of Washington, offered the following prayer:

Good and gracious God, the all powerful font of life and goodness, wisdom and holiness, You call us to make our way through this life with You and challenge us to walk arm in arm with each other.

As we confront the human condition, You bless us with our intellect and free will to establish institutions to guide our human affairs and confirm the possibility of freedom, personal development and prosperity in the context of the common good and justice for all.

We ask You to bless and strengthen all who strive to improve the human condition and foster a caring respect for each person and who fashion the laws that enable a good and just society.

In Your loving goodness, bless the Members of this assembly, the House of Representatives of the United States, so that in all their deliberations and discussions, they will always be inspired by the vision of Your loving kindness and powerful grace.

As work is conducted here today, may it bear rich fruit that continues to nurture all of the citizens of this Nation and our dreams for a better world. All of this we ask in Your most holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE MOST REVEREND DONALD W. WUERL, ARCHBISHOP OF WASHINGTON

(Mr. MURPHY asked and was given permission to address the House for 1 minute.)

Mr. MURPHY. Mr. Speaker, I would like to thank our guest chaplain today, the Archbishop Donald Wuerl, for leading us in prayer.

He attended Saint Mary of the Mount parish and school, and then studied at the Athenaeum of Ohio in Cincinnati, was ordained to the priesthood in 1966. He received graduate degrees from the Catholic University of America, the Gregorian University in Rome, and his doctoral in theology from Saint Thomas Aquinas in Rome in 1974.

He began his career as an assistant pastor at Saint Rosalia parish in Pittsburgh. There he became a secretary to Pittsburgh Bishop John Wright. From 1981 to 1985, he served as rector for Saint Paul's Seminary in Pittsburgh, and in 1988 Bishop Wuerl was installed as the 11th Bishop of Pittsburgh, where for 18 years he led 800,000 Roman Catholics in 214 parishes throughout southwestern Pennsylvania.

We also knew him in Pittsburgh for his weekly television program, ''The Teaching of Christ,'' which is now widely distributed through the Christian Associates cable channel, and throughout its national syndication. As a writer, his best-selling catechism of the same name is now in its 30th year of publication and has been translated into more than 10 languages and used throughout the world.

We are very grateful for Archbishop Wuerl's presence here. We are sorry to have him gone from Pittsburgh, but we know he will do a great job now in the diocese of Washington, DC.

WELCOMING ARCHBISHOP DONALD WUERL TO WASHINGTON, DC

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, I take considerable pleasure in welcoming Archbishop Donald Wuerl to Washington and to the archdiocese of Washington. Although born in Pittsburgh, where he last served, Archbishop Wuerl is very familiar with Washington where he studied at our own Catholic University of America. The archbishop follows Cardinal Theodore McCarrick, whose humble priestly ways and message of inclusiveness made him beloved by people of all religions and backgrounds here.

Archbishop Wuerl will minister both to official Washington and to average parishioners in the District and Maryland. The archbishop's work in Pittsburgh, however, foreshadows a leader who is first and foremost a pastor. We warmly welcome Archbishop Donald Wuerl.

IRANIAN PRESIDENT'S SPEECH AT U.N.

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, yesterday, we witnessed an Iranian dictator lecture us on freedom, democracy and justice. Ironically, in his own country, this tyrant denies his own people the basic rights of freedom of speech and freedom to assemble. Women are denied rights of inheritance, divorce and child custody, and youth of their rights of self-expression and economic creativity.

While he may resent us for being powerful, he does not realize that the

foundation of our power is rooted in the freedom of our great people to pursue happiness, to innovate and to speak freely. These rights are denied to the people of Iran, and that is why, even with the soaring prices of oil, more than 40 percent of the Iranians are living below the poverty line.

Today in Iran dissent is brutally repressed, and terror is the regime's only instrument for domestic or foreign policy. This tyrant accuses the free world that they are denying the people of Iran their rights to nuclear energy, yet he forgets that the Islamic regime is denying the great people of Iran their God-given rights to self-respect and human dignity. He spoke of universal justice, yet he denies the Holocaust, and has threatened to wipe Israel off the map.

This regime wrongfully portrays the war on terror as a war of civilizations, yet uses every opportunity to export its brutal ideology, violently, to the other nations. We are not at war with any religion or civilization. We are at war with terrorism and terrorist interpretations of any religion. We need to protect the civilized world from the threat of Islamic fascism.

DANCING AROUND SERIOUS ISSUES AND AVOIDING OUR CONGRESSIONAL RESPONSIBILITIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, we have elevated to an art form here in Congress dancing around serious issues and avoiding our congressional responsibilities. Torture is a case in point, not extreme interrogation, but let's call it what it is: torture.

At the same time the President was asking Congress to rubber-stamp his policies of torture, the military was saying that torture does not give good information, and they were against it. Torture puts our troops at risk in giving our enemies the green light to torture our people. Torture lowers our image, our moral standing around the world.

In yesterday's headlines across America and across the world, there was the story of the Canadian citizen we kidnapped and we sent to Syria, a country on our terrorist watch list, so he could be tortured. His ordeal did not end for a year. Three years later, he is walking around a free man, never charged and Congress, spineless, has not taken action to stop this barbaric, illegal and immoral practice. It is time for us, as we stumble towards adjournment, to deal with something meaningful, investigate this outrage, and legislate protections.

WHERE IS LAFAYETTE?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, ''Let them eat cake'' is what Marie Antoinette said to the starving French people, showing her ignorance of the world around her. Today it can be used to describe France's position on handling terror threats.

France's current Prime Minister said last week: ''Against terrorism, what we need is not a war. It is, as France has done for many years, a determined fight based on vigilance at all times and effective cooperation with our partners.'' In other words, more talk, no action.

What France fails to consider is we tried that. Madrid's trains have been attacked. London's buses and subways have blown up. American embassies were bombed. The USS *Cole* was attacked, and, of course, there was September 11.

This war started years ago. The terrorists struck first across the globe. They declared war on us. They don't want to talk. It is now our duty to win this war, not wave France's new national white flag of surrender. What France and free people need is the spirit of Lafayette in this war on terror, not the current ignorance of Marie Antoinette, who was talking all the way to the guillotine and lost her head because she failed to see the real world around her.

And that's just the way it is.

FEDERAL ELECTION INTEGRITY ACT OF 2006

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, today's Federal Election Integrity Act of 2006 has nothing to do with protecting the right to vote and everything to do with restricting it. The real threat to our electoral system is not a contrived conspiracy of noncitizens illegally voting in Federal elections. The true threat is vulnerable electronic voting machines.

It is machines with no paper trail. It is poll workers with inadequate training and resources. It is voter alienation because people have lost faith in the political process. Congress has the ability and the duty to act on real voting reform that addresses the real issues that mar our electoral system, issues researched and documented by countless activists and academics.

There is a reason the article in the Washington Post, ''Major problems at Polls Feared,'' does not once mention concerns about noncitizens voting. It is not a real issue of voting reform. If we want to strengthen democracy, we want to protect the right to vote. We want to reengage Americans in our government.

We need real voting reform now. Throw out electronic voting machines, that Diebold technology election hacker's dream. Go to paper ballots, a paper trail. Make our election process honest again. Enough of stolen elections. Make every vote count, and let every vote be honestly counted.

''BORDER SECURITY FIRST'' DOES NOT MEAN ''BORDER SECURITY ONLY''

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, a Nation without borders is not a Nation. In recent days, this Congress has taken important first steps to restore operational control of our borders. I was pleased to support the Secure Fence Act of 2006 and additional measures that we will bring to the floor of this Congress this week.

American people want Congress to put border security first, Mr. Speaker. But border security first does not mean border security only. Congress must secure our borders, but the American people know that securing our borders is a necessary but insufficient solution to the crisis of illegal immigration.

After we secure our borders, Congress must also enact a new temporary worker program, without amnesty, and without creating a new Federal bureaucracy, and I believe we will. We must do no less than secure our border, but we must do more to ensure that we solve this domestic crisis in a manner consistent with law and order and the compassionate character of the great American Nation.

REMEMBERING DONNA KAMMRITZ

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, on September 7, a champion of our community, someone who had waged and won countless battles for people, lost one of her own. Donna Kammritz was a friend. But even more than that, she was someone who stared down adversity with a passion, principle and tenacity. Whether it was her brave fight against cancer, a disease I too have fought, or her impassioned commitment to the rights of working people, Donna never stopped. She always fought. She may not have won every battle, but she never gave in.

Indeed, it was through her volunteer work as director of research for The Organization for the Rights of American Workers, TORAW, that I first met this remarkable woman. A mother of two daughters, Heather and Rachel, Donna's job had just been sent offshore. She lost her health insurance, and she had just been diagnosed with cancer.

At a moment when most people would have thrown in the towel, Donna fought back. She faced her cancer with courage. She drew upon her personal experience with outsourcing to infuse TORAW with the energy and focus we needed to elevate the issue to the national level, and she did so for as long as she could.

Donna helped bring together the entire Connecticut delegation, Republicans and Democrats, to press the government to start confronting the issue

of displaced American workers. She was a proud mother who wanted nothing more than to see her daughters attend college, and she did. Donna understood something elemental: that when you protect workers' rights, you strengthen families, you strengthen communities.

Mr. Speaker, today, let us say thank you to Donna Kammritz for her gifts, for her selfless dedication and for her love of the things that we hold so dear. May her inspiration live on in all of our work.

□ 1015

UNITY NEEDED ON SECURITY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, America is at a critical time in moving forward with our efforts in the fight against the global war on terror, and it is time for this House to act.

In the coming days this House will consider legislation to ensure that we can try terrorists in military tribunals and military commissions while protecting America's most vital secrets. That legislation will also give those brave Americans who confront suspected terrorists on the front lines of the war on terror and those who interrogate them with the guidance on what they can do to protect our citizens.

We will also be considering legislation that will officially sanction the NSA's terrorist surveillance program that is critical, absolutely critical, to help keep our Nation safe.

Mr. Speaker, we have not been attacked here at home since the horrific attacks on our Nation of 9/11 in large measure because these programs have worked. I ask the Democrats to put aside their partisan posturing and to join with us in protecting America.

The Democrats must recognize that we are at war against terrorists, and that their political rhetoric and demagoguery in search of votes will not make America more secure. They have an opportunity to join us, and I sincerely hope they do so. The security of our Nation depends on it.

AMERICA DESERVES A NEW DIRECTION ON ENERGY POLICIES

(Ms. SCHWARTZ of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, hardworking Americans are stretched thin. Under the Republican majority, their wages have remained stagnant, while their day-to-day expenses have all increased: health insurance, childcare, tuition, housing, energy bills.

Energy costs have skyrocketed, whether at the pump, at home or in business. Americans are paying more, and they are looking to Congress for relief. They are asking, demanding, that we work to reduce these costs, reduce dependence on foreign oil and make our Nation more secure. They are looking for a new direction.

Democrats have responded and Democrats have a plan. Democrats will double the production of renewable fuels like ethanol and biodiesel; Democrats will increase accessibility to renewable fuels at the pumps; and Democrats will aggressively invest in the future to assure their energy needs are not tied to the whims of unfriendly nations in the Middle East. Our plan will reduce costs for American consumers, and it will make this Nation safer. It is smart, and it is common sense.

What have the Republicans done? They have given away billions to the oil industry. America deserves a 21st century solution to energy needs, not oil industry handouts.

Mr. Speaker, America deserves a new direction.

THE REAL GUANTANAMO BAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, listening to critics talk about the treatment of terrorist detainees at Guantanamo Bay, one may believe these trained murderers are not properly treated.

I have visited Gitmo twice and can attest that their living conditions are to the highest standards of a first-class American detention facility. In fact, more money is spent on food for the detainees than on the U.S. troops there. Instead of deprivation, the terrorists have gained weight on the nutritious diet.

Detainees have received medical care. In the prison hospital I toured last year, these detainees received 35 teeth cleanings, 91 filled cavities and 174 pairs of glasses.

With legal, strenuous interrogation, the terrorists from the battlefield have revealed bombing cells across the world, they have explained their ability to finance murder, and they have uncovered recruiting efforts of more homicide bombers.

Our troops at Guantanamo deserve praise and credit for protecting American families.

In conclusion, God bless our troops, and we will never forget September 11.

RESTORING ECONOMIC OPPORTUNITY FOR THE FORGOTTEN MIDDLE CLASS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, President Bush and the congressional Republicans are failing America's middle class again. This is nothing new. Millions of Americans are struggling paycheck to paycheck, and falling deeper in debt.

Under Republican rule, the rich are getting much richer, while the middle class are helpless to stop the decline in their purchasing power. America's companies are recording their best profits in over four decades, while wages remain stagnant for the overwhelming majority of middle-class workers. Workers are behind those record corporate profits, but the workers are left behind sharing the gains.

The middle class deserves a pay raise, but Washington Republicans pay no attention to the needs of real Americans. They can't raise the minimum wage. They are too busy working for the rich.

For 5 straight years, Republicans have said to the middle class, You don't count. We have got rising college costs, skyrocketing health care costs, crippling energy costs, but no help from the Republicans.

The Democrats offer a new direction for America. Democrats will restore economic opportunity and economic stability for the forgotten middle class. In November, the middle class is going to get taken care of by the new direction of the Democrats.

THE WHITE FLAG

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, the White House recently released a new report detailing our Nation's updated strategy for combating terrorism and winning the war against Islamic extremists. The report underscores the importance of our national security and our fight both in arms and ideas.

This is a battle to preserve freedom and civilization from tyranny and barbarism, from Baghdad to Beirut to Tehran, Islamic extremists importing weapons from rogue regimes and exporting terrorism around the world.

Mr. Speaker, while the Republicans are committed to spreading our message of hope and liberty in a region torn by violence and extremism, the left is advocating and continuing to advocate a policy of cut and run. The central difference between Republicans and Democrats is that we want to fight, and they want to wave the white flag.

Mr. Speaker, the last time I checked, white flags aren't bulletproof.

BUSH ECONOMY IS NOT BENEFITING AMERICA'S GREAT MIDDLE CLASS

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, for 6 years now, the middle-class families in the United States have been sold out by the leadership here in Washington.

Wages are worse than stagnant. Families are paying more for energy, health care and education, and yet real household income for working-age families has declined every year of the Bush administration, dropping nearly $3,000 in real terms. Personal debt is at the highest in many years, and America's debt has climbed 50 percent, to more than $28,000 per person since Bush took office, and will double to more than $11 trillion.

I wonder if Americans realize that Republican leadership has stubbornly and consistently refused to accept Democratic calls to have pay-as-you-go budgets. The Democratic leadership would take our Nation in a new direction and begin to repair the economy for regular middle-class American families.

BREAST CANCER PATIENT PROTECTION ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of H.R. 1849, the Breast Cancer Patient Protection Act introduced by my colleague from New York, Congresswoman SUE KELLY.

Breast cancer is the most commonly diagnosed cancer in women today. This legislation requires health care providers to cover hospital expenses for breast cancer patients undergoing a mastectomy or lumpectomy.

In my home State of Florida, it is estimated that over 13,000 new cases of breast cancer in women will be diagnosed this year, and that over 2,500 women will die of this disease. It is our duty to reduce these numbers, both in Florida and nationwide, by ensuring medical coverage for these lifesaving procedures. I urge my colleagues to join the fight against breast cancer by supporting this and other crucial pieces of legislation.

A PLEA FOR THE SURVIVAL OF THE PEOPLE OF DARFUR

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, I rise today to plead for the survival of the people of Darfur. Despite a peace agreement signed in May and the U.N. Security Council's approval for a peacekeeping force of 20,000 last month, Darfur is descending into chaos.

Twelve years ago the world stood by as ethnic war erupted in nearby Rwanda. One hundred days later, 800,000 bodies, hacked to death by machetes, had piled up in the streets and rivers. Without swift intervention, Darfur may soon erupt into a scene as deadly. Today's poorly trained and equipped African Union Force can only watch the chaos unfold. When they leave in a week, they must be replaced by a U.N. force that can protect the Darfuri people from slaughter.

Sudan must allow the U.N. peacekeepers to end the government-sponsored genocide. President Bush must decisively lead the international community for this effort to succeed. The U.N. force must have the training, the equipment and the mandate to stop the slaughter and punish the slaughterers. The world must not deploy another force that will simply bear witness to the slaughter of innocents.

AMERICANS DESERVE REAL IMMIGRATION REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, all Americans know if you are here legally, you ought to be rewarded. If you are here illegally, you ought to be deported.

My constituents constantly complain to me that illegal immigration is a huge problem. Local officials have used the so-called ''catch-and-release'' policy when they apprehend an illegal immigrant. Really, that person should be sent to jail. Why would we want someone who was just picked up by the police and is here illegally still out in the community and potentially free to flee? That just doesn't make any sense.

It is time America totally ends catch-and-release policy when it comes to illegal immigration. Texans and all Americans want, need and deserve real immigration reform.

PROVIDING A NEW DIRECTION ON ECONOMIC SECURITY ISSUES

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today to express my deep concern about the economic crisis facing American families under the failed policies of the Republican leadership.

Housing construction has plunged to the lowest level in more than 3 years. In fact, many families in my district can't even make their mortgage payments anymore. The average cost of food supplies is increasing, just like the increase in electricity bills.

In my home State of California, gas prices have doubled in the past 5 years to well over $3.50 in my district. Families with two cars in Los Angeles will pay an extra $2,330 per year for gas. That is higher than it was 5 years ago. The increase in gas prices will cost Los Angeles drivers an extra $9.2 billion this year alone.

Real wages have not kept up with increased costs as well. In Los Angeles, workers there only make 84 cents on the dollar. In East Los Angeles, in my district, the unemployment rate is currently 7.1 percent, compared to 4.9 percent for all of California.

America's working families need a new direction, one that works for everybody and doesn't discriminate depending on where you live, instead of one that rewards the very wealthy at our expense.

SUPPORT THE FEDERAL ELECTION INTEGRITY ACT OF 2006

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise today to give advance notice of a bill that will be coming up today, and I certainly appeal for your support for that bill.

There are very few things in this life that I hate, but one that I hate is dishonesty, particularly dishonesty in voting. I am very eager to make certain that every vote taken in this country is legitimate, is properly cast and properly counted, so that all citizens can be assured their vote will be counted and not be diluted by others who vote illegally.

With that in mind, our committee, the Committee on House Administration, has taken up H.R. 4844, a bill proffered by the gentleman from Illinois Mr. (HYDE). This bill will be coming up today.

It is very simple. It simply requires by the year 2008, in every Federal election, every voter will have to display a photo ID. That is not a bad requirement. You already have to show it to cash a check, to get on an airplane or to buy cigarettes or alcohol. It is not at all a difficult proposition. By the year 2010, that photo ID will also have to have something on it that shows that the voter is a citizen.

With those two improvements, I believe we can go a long way to get rid of fraud in our electoral process.

DEMOCRATS WORK TO FILL THE DOUGHNUT HOLE SO SENIORS DON'T LOSE DRUG COVERAGE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, there is an old saying that goes, if it ain't broke, don't fix it. Well, just the opposite is true when it comes to the Republican prescription drug plan that is seriously broken. We must fix it.

This week, the average American senior will be denied payment of their drug costs through the private plans they have selected because they have fallen into the so-called doughnut hole. Under the Republican plan, seniors lose drug coverage after they have spent $2,250 in out-of-pocket costs, and they won't be eligible for more assistance until they have spent $5,100 for the year.

It is expected that more than half of the seniors who fall into the doughnut hole will not be able to escape it. This

is simply not fair. Many seniors on fixed incomes will be forced to cut back on their prescriptions, regardless of the consequences to their health.

Democrats in this Congress want to take a new direction to eliminate the doughnut hole. We believe that any prescription drug plan should provide enough monthly assistance so seniors no longer have to choose between putting food on their table or having the prescription drugs they need to live longer and healthier lives.

□ 1030

SEARCHING FOR THE PRESIDENT'S IRAQ PLAN

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, yesterday the President told the world that building a more hopeful future in the Middle East is ''the greatest challenge of our time'' and ''the calling of a generation.''

There is no question the President's policies in Iraq have created the greatest foreign policy challenge of a generation. What started off as a battle between democracy versus stability has now become a civil war between the Shiite and the Sunni. It became that way because of our incompetence and failure to plan.

We shouldn't expect a plan soon, because the President's Iraq Study Group just announced they will not release their plan for Iraq until after the November midterm elections.

Quote: ''We think it's more important, frankly, to make sure whatever we bring forward is taken out of domestic politics.''

This is how we are teaching democracy in the Mideast. Keep the voters in the dark until it's too late.

I will end the suspense. The new plan for Iraq, there is no plan and there never has been one. According to Brigadier General Mark Scheid, Secretary of Defense Rumsfeld threatened to fire anyone who tried to come up with a plan for the postwar and hostilities.

The President tells us we're in a long war, but thanks to this White House's refusal to plan, it has become an endless war.

It's time for a new direction.

IRAQ

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I came here this morning to chastise the Republican majority for their failure to act on the minimum wage, but one of my colleagues said something so outrageous and indecent that it demands an answer.

One of my colleagues lauded President Bush's action on security and foreign policy, asserting that we hadn't had any losses since September 11, that we hadn't been attacked.

We have been attacked in Baghdad. We have been attacked in Mosul. We have been attacked in Tikrit. We are being attacked every single day, because this President and this do-nothing Congress has sent our troops and our finest men and women, our sons and daughters, our husbands and wives, into harm's way, where they never should have been in Iraq. We have lost 2,600-plus. We have had 15,000 of them limping around America because of the absurdly incompetent, ineffective, boneheaded decisions by this President and this Congress which has allowed them to go into harm's way.

Those who sit there and pat themselves on the back and say that we have had unalloyed success have done a disrespect to the fallen in Iraq. They shouldn't stand here and pat themselves on the back. They should be covered in shame for their failure to hold this President accountable for the competence we need in Iraq.

THE REPUBLICAN MYTH OF A HEALTHY ECONOMY

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute.)

Mr. HINOJOSA. Mr. Speaker, the Bush administration and Republicans in this body love to tout the so-called success of their economic policies, but as any economist or working American will tell you, the facts just do not add up.

Republicans claim that their policies are increasing job growth, but the fact is they are presiding over the lowest monthly job growth rate of any administration since Eisenhower. The current tepid growth is less than one-fifth of the average of jobs created each month during the Clinton years.

When it comes to the real money American workers take home, the picture is equally dismal. Inflation-adjusted hourly wages have actually fallen since 2003, and the median annual income has decreased 3½ percent during this Republican administration. Meanwhile, productivity is up so Americans are working harder for less pay, while their employers reap the rewards.

The solution to our economic situation is not the Bush plan of more tax cuts for corporations and the wealthiest 1 percent. These policies have done nothing to benefit American workers and have driven our country into huge debt.

PRESCRIPTION DRUG LAW CREATES A GIANT HOLE IN DRUG COVERAGE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, in the coming days, millions of American seniors are going to see why the Republican prescription drug plan was written to help the pharmaceutical companies and the private insurance companies rather than to help our seniors.

Republicans on Capitol Hill sided with the pharmaceutical companies when they wrote the law to forbid the Federal Government from negotiating lower prices. Then they sided with the private insurance companies when they allowed them to create private plans that include what is known as the doughnut hole, a giant gap in coverage, when seniors must continue to pay their premiums but receive absolutely no help with their prescription drug bills.

That is right. Under the private plans that the Republicans created, seniors will lose their drug coverage after they spend $2,250 of their own money on prescription drugs.

This Friday, Mr. Speaker, is the day that the average senior is expected to fall into the doughnut hole. If congressional Republicans were really interested in helping our seniors, they would join us in filling the doughnut hole so seniors do not have to continue to face this giant gap in coverage.

CONGRESS SHOULD HELP SENIORS OUT BY FILLING THE DOUGHNUT HOLE THAT MILLIONS OF SENIORS FACE

(Mr. RUPPERSBERGER asked and was given permission to address the House for 1 minute.)

Mr. RUPPERSBERGER. Mr. Speaker, this Friday, September 22, the average American senior will lose his or her prescription drug coverage that was promised by the majority.

This is the same confusing and complicated drug plan the majority created through the private sector rather than through the Federal Government's Medicare program.

Millions of seniors have already lost their coverage, but in the coming days, those numbers will climb as more seniors are expected to be denied their coverage when they hit the $2,250 mark. How can this be? How can the majority create a plan where seniors are still forced to pay monthly premiums but are denied coverage?

How can a majority create a law that is supposed to help seniors and then not allow the government to negotiate to bring down drug prices? We must give the Federal Government the ability to negotiate on behalf of seniors so that we can bring down drug prices and eliminate the doughnut hole so no senior loses their drug coverage.

It is time we take our country in a new direction.

STAY THE COURSE IN IRAQ IS NOT A STRATEGY FOR SUCCESS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Republicans support the Bush promise to

stay the course in Iraq with an open-ended commitment and no questions asked. This stay-the-course strategy has strained our military, compromised our readiness, cost nearly 2,700 American lives and almost $400 billion, and diverted attention and resources away from the real war on terror.

Stay the course is not a strategy, and it is not working. Republicans refuse to face the fact that the reality on the ground is that we are not winning. We have no end game plan.

Today, we are bogged down in the middle of a civil war, one where 100 people are killed every day. From May 20 through August 11, the average number of attacks per week against Americans and Iraqis was 792, the highest number since the war began.

Meanwhile, the war in Iraq is distracting us from the overall global threat of terror. Over the past 3 years while we have been fighting in Iraq, the number of worldwide terrorist attacks have grown dramatically and the Taliban is growing in strength in Afghanistan.

The President has to stop looking and face the facts.

PRESIDENT BUSH AND GOP OUT OF TOUCH ON THE ECONOMIC CONCERNS OF AMERICANS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, President Bush and the congressional Republicans refuse to face reality when it comes to the economic conditions the American middle class and working poor now face. Despite all the evidence to the contrary, President Bush continues to contend that things are good for American workers.

Just what numbers is he looking at? Surely, it cannot be the economic numbers that show average workers today are making $3,000 less than they did 5 years ago, if you adjust for inflation.

The President must also be ignoring numbers showing that wages and salaries now make up the lowest proportion of the economy since the government began taking records back in 1947. While wages have been stagnant, corporate profits have climbed to their highest levels since the 1960s.

Mr. Speaker, that last fact must be the one that the President is referring to when he touts the economy. It may be working well for the President's wealthy special-interest friends who are forcing their workers to be more productive without allowing them to share in the profits. Is this really fair?

Democrats believe we need to take our economy in a new direction, one that looks out for all Americans, not just the privileged few.

AMERICANS KNOW WE CAN DO BETTER

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, probably the most frequent fear facing a family each month is paying bills. Even families with income above minimum wage struggle. Nothing pays family bills but money. Nothing is better for bringing in money than a good job with a good wage.

For the last several years, our country has not been moving in the right direction: no change in the minimum wage; the numbers of uninsured substantially increased; tuition for technical schools going up; tuition for colleges substantially increased without an appreciable increase in Pell Grants and the GI bill.

We must do better. Americans know we can do better.

THIS ADMINISTRATION MUST CHANGE DIRECTION ON AVIATION SECURITY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, 5 years and 9 days after 9/11 our system of aviation security is not yet done. In fact, today, a USA Today headline: ''Crisis Seen in Luggage Screening.'' We still do not have inline, integrated state-of-the-art baggage screening in the largest majority of U.S. airports. People would be appalled if they saw what went on behind the scenes that is supposedly providing for security.

But the Bush administration has said consistently for 5 years, we cannot afford to make flying safe and to screen cargo and baggage; we cannot afford it.

If they just would forgo the tax cuts for 1 year for wealthy investors, exempting their dividend taxes from a normal rate of taxation, we could put this equipment in every airport in America. But guess what? Those rich people do not care. They are flying on the private jets and the Bush people are flying on their military flights, so they do not really care about the American public and their security.

But this is a crisis and we cannot afford to continue to ignore what we need to do, what we need to invest to make the American flying public safe.

This administration must change direction or we must change the leadership in Congress.

PROVIDING FOR CONSIDERATION OF H.R. 4844, FEDERAL ELECTION INTEGRITY ACT OF 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1015 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1015

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and (2) one motion to recommit with or without instructions.

UNFUNDED MANDATE POINT OF ORDER

Mr. MCDERMOTT. Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against consideration of the rule, H. Res. 1015.

Section 425 of the same act states that a point of order lies against the legislation which, number one, imposes an unfunded mandate in excess of the annual amount specified in that section against State or local governments; or two, does not publish prior to floor consideration a CBO estimate of any unfunded mandates in excess of the amounts specified annually for State and local entities or in excess of the amount specified annually for the private sector.

Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order.

On page 1, line 2, and on page 2, line 1, of H. Res. 1015, all points of order are waived against consideration of H.R. 4844, the Federal Election Integrity Act of 2006. Therefore, I make a point of order that this rule may not be considered pursuant to section 426.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Washington (Mr. MCDERMOTT) makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the act, the gentleman from Washington (Mr. MCDERMOTT) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the act, after that debate the Chair will put the question of consideration, to wit: ''Will the House now consider the resolution?''

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Republicans want to erect a fence around the right of the American people to vote. They have offered a bill

that will restrict voting rights for Americans. In effect, the Republicans are trying to dilute the fundamental rights guaranteed under the U.S. Constitution. It fits right in with the Republican effort to suspend those rights they find inconvenient.

□ 1045

The president of the League of Women Voters, don't take my word, Mary Wilson summed it up this way: ''This is an attempt to politicize the voting process by erecting barriers to keep many eligible legal voters from participating. Congress should not be playing politics with our right to vote.'' Yet this is exactly what Republicans are doing, creating a nonexistent problem to appeal to their base. This is basically a PR opportunity just before the election.

Just yesterday, millions of Americans across the country voted, including those in my State, and today there is not a single story anywhere in this Nation about noncitizens voting illegally. In fact, last week, the circuit court in Missouri threw out the Harmful ID law, the real name of what Republicans are trying to give us. Republicans have the superrich, so they would like to disenfranchise everyone else, anybody who doesn't have a photo ID, Native Americans, the elderly, the disabled, people who don't have a birth certificate. They fear what happens when every eligible American gets to vote.

Democrats believe that the Constitution is worth protecting. We surely wish that the Republicans would start spreading democracy in all of America, not just those who have a photo ID.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. I would like to now recognize the chairman of the House Administration Committee, the gentleman from Michigan (Mr. EHLERS), for as much time as he may consume.

Mr. EHLERS. I thank the gentlewoman for yielding.

I am astonished at the comments made by the previous speaker. It is certainly not my intent and certainly not the intent of the Republicans to in any way restrict the ability to vote.

He mentioned the Constitution. The Constitution clearly specifies who are citizens of this Nation. Federal law clearly specifies that only citizens may vote.

We have had numerous instances of fraud, voter fraud, in the history of this Nation. Let me just mention Tammany Hall, the Pendergast machine, the Daley machine, and on and on. There is no question that fraud has existed. Based on my work on the Committee on House Administration and being involved in some of the difficult decisions we make there on voting reviews, I assure you there is no question that there continues to be fraud.

In recent hearings we had on the bill before us here, we had testimony in New Mexico that poll watchers, instead of doing what they were supposed to do, namely, noting who was absent and hadn't voted, and then calling these absent individuals to remind them to come to vote, instead of doing that, the poll watchers were calling friends to come in and vote illegally in place of the missing people. They would vote the party line for the party that was arranging this procedure. Fraud does exist and still occurs in elections.

I think there is one very, very good way to solve this problem, and that is to make sure that every voter who votes proves that they are the person who has registered to vote. A good way to do that is photo ID.

Now, the other side of the aisle tends to see this as a terrible calamity. They believe this is horrible. How can we do this? But at the same time they have approved, I am sure, the use of photo ID for getting on an airplane. They have approved the use of photo ID for purchasing alcohol or cigarettes. They have approved the use of photo ID for cashing a check. And on and on. We use photo ID all the time. We use photo IDs to get on governmental property. This is not a new concept.

All we are simply saying in this bill is that by the year 2008 election, every Federal election will require a photo ID of every voter wishing to vote in that and succeeding Federal elections. It further goes on to say that in the year 2010, that photo ID must also indicate whether or not this person is a citizen. So it is two-pronged, and straightforward.

In the public hearings that we held, there was much made by, among others, the League of Women Voters and also by the other side of the aisle that this was going to deprive poorer people of the opportunity to vote because they can't afford to get a voter ID, or it's too difficult for them to get out of the house and do it, or they can't prove their citizenship because they were born at home, et cetera, et cetera. We took that to heart. So we modified the bill to say that the States will prepare these photo IDs that will vouch for the persons citizenship, and if there is any expense involved that cannot be reimbursed by the person receiving this information and getting the photo ID and the citizenship verification, and if they cannot pay for it because they are indigent and simply do not have the resources, of if they can't get out of the house, or whatever, the State is to pay for it, and we will reimburse the State.

This is not an unfunded mandate. We include the authorization in the bill, saying that when the States incur this expense, they submit their bills to the Federal Government. The Federal Government is authorized to repay them. The only glitch might come if the appropriators don't appropriate the money, but I can assure you the appropriators will be happy to appropriate the money for this purpose as long as we continue in the majority.

I think it is totally inappropriate to call this on a point of order. This is not a mandate for the States to spend. They have enough credit in every case to pay the bill and have us reimburse them a month or so later. Surely they can carry that small burden. The total expense for the entire country is estimated to be less than $77 million. That is the estimate from the CBO.

So I think the point of order is completely unfounded. I believe it is very important to continue with this bill. My goal in every case is to ensure that every citizen of the United States clearly has the right to vote, and that right will be facilitated by using the methods outlined in the bill, but also every citizen who votes has the right to believe that their vote will be counted accurately, and that no one else will dilute their vote by voting illegally and, therefore, undermining the process.

Mr. MCDERMOTT. Mr. Speaker, could you tell us how much time has been used on both sides?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman has 8 minutes.

Mr. MCDERMOTT. I have 8 minutes. And my opponent?

The SPEAKER pro tempore. Five minutes.

Mr. MCDERMOTT. I yield 1½ minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my colleague for yielding. I wish specifically to address the statement made by Chairman EHLERS, for whom I have the greatest respect. And he is my friend.

I disagree where you say, Mr. Chairman, that this is not an unfunded mandate. Although H.R. 4844 authorizes, as you correctly say and from the language of the bill, such sums as necessary to fund the program, it does not guarantee any funding to States to pay for the requirements of this bill.

The Help America Vote Act was authorized for $3.9 billion, and to date only $3.1 billion has been appropriated, leaving an $800 million shortfall. The sponsors of H.R. 4844 simply cannot guarantee that States won't be stuck with the bill for the costs imposed by this legislation.

The unfunded mandates law was the very first bill considered on the House floor when the Republicans took control of the Congress in January of 1995. I was here when it passed. They were highly critical of previous mandates imposed by Democratic Congresses and adamant about not allowing legislation to impose unfunded mandates on State and local governments as well as the private sector. Yet here we are today ready to impose enormous costs on these entities and on private citizens as well.

I support the point of order and ask that it prevail.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Do we have the right to close?

The SPEAKER pro tempore. The gentlewoman from West Virginia has the right to close.

Mr. McDERMOTT. Mr. Speaker, I know the gentleman from Michigan, and he is an honorable man, but he is standing out here trying to sell snake oil to the U.S. Congress.

This speech just given by the gentleman from Florida about the Help America Vote Act is living proof of the fact that this place promises all kinds of stuff and then doesn't deliver to the local government. We could spend a long time talking about the Leave No Child Behind Act. Over and over, after all that showboating you did when you took over the Congress about we're not going to have any more of those unfunded mandates, and then you come out here again and again and again, and you stick the States and the local governments with the cost.

Now, if it doesn't make any difference to the Republicans that the State and local government are going to have a problem, it ought to worry them that 7 million people are affected. That is the estimate by the League of Women Voters about the people who will be affected by this bill. You don't worry about people who get on airplanes. All of us are rich. We've got money to fly on an airplane. There are 7 million people that don't go to the airport every week and have to show a photo ID. We get one given to us here in the Congress for free. None of us paid for that thing. And we show it.

Our driver's license. We don't pay for the photo ID. We pay for the right to use the roads of our State. The fact is that there are millions of people in this country who you are going to make a serious problem for, and the States are either going to have to say you can't vote because you don't have a photo ID, or they are going to have to pay for it. And to count on you, the Republican appropriators, when you are wasting $400 billion in Iraq, to come up with even what is really a small amount of money, $77 million or $100 million or whatever the number is, it's not very much, is really betting on the tooth fairy.

Now, I believe that the constitutional right to vote is preeminent. Everybody should have a right to it. Every year in Seattle, we bring in about 500 new immigrants on election day, or on the Fourth of July, and we send them up to register with the League of Women Voters because we tell them the most important thing in this country is to vote, that that is how you exercise your American rights.

□ 1100

And now you want to erect a barrier. Thank God for the courts in Missouri who threw out the Missouri law; but that is not good enough for you guys. You say, oh, no, Missouri didn't write it right. We will write it so we will get them. We will get everybody in the country.

The elections in this country have hung on a very few number of votes, and to eliminate 7 million people from the opportunity to vote because they don't have a photo ID and put it in the loving hands of State governments and county governments to make sure that they have what is necessary is to limit their right to vote.

You show me one bit of evidence that somebody has illegally voted, because you haven't shown that. I believe that in reality you are really only trying to protect your own grip on power in this House by making it harder for ordinary Americans to have a say in who leads this country.

In 2001, the National Commission on Federal Election Reform estimated that up to 10 percent of those eligible to vote do not have official State identification like a driver's license. Now these are people without cars, including the disadvantaged. Republicans are willing to leave those people behind. I am sorry if you can't drive a car and don't have a driver's license, your State is not going to have the money to pay for it. Where are they going to get it? They will take it out of the TANF program, or the schools, or somewhere. You can count on them to do that. That is what you are saying.

Instead of finding ways to ensure that every American has a right to vote, the Republicans want to build a fence so it is harder and harder to get to the polls. Republicans would like you to believe that illegal aliens are a danger to the American political process, that they are sneaking in through the borders and then they are sneaking up to the polls and they are casting their ballots and are electing—come on, that is the fear tactic again. It is the fear tactic that you use over and over on the American people, and that is all this bill is about: the fear tactic.

We are coming up to an election. The real danger is if the Republicans could put a fence around the Constitution, letting in their friends and keeping everybody else out. And it is not about protecting the right to vote, it is about subverting the right to vote for non-Republican Americans perhaps, people who they think won't vote for them.

Why would the poor people vote for the 1 percent party, the party of the rich? We know what this is all about. People just don't want to say it straight out, but it is really going after those people least able to defend themselves in our society casting their vote.

The vision of the Republicans is if you don't vote Republican, they want to make sure you don't vote at all. They don't want you to vote. Democrats will never stop fighting to protect the rights of people to vote, to run their government, even when they choose you.

A democracy requires allowing everybody to have a chance to vote, even when I might say they made a mistake here and there. But nevertheless, they have a right to vote.

This bill is a sham. It is a PR piece and it doesn't belong in a Nation governed by all of the people.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume to respond, and then I will yield to the chairman of the committee.

First of all, I think this is serious business. When you talk about one of the most precious rights we have as citizens, it is to vote. Obviously that is how we all arrived here. And I think we have, shamefully, a very low percentage of people who are voting, when we compare worldwide, in this country. So I think highlighting voting and voting patterns and the way to vote and the way to legally vote is an important issue.

But what I have heard just now is a very cynical and I think slightly meanspirited attack on why we believe and why the committee has brought forward very thoughtful legislation on voting and voter identification.

If you want instances of voter fraud, come to the State of West Virginia. We just had five people indicted and sentenced in Federal court for this very thing.

If you want to talk about the Commission on Federal Election Reform, which was quoted just a minute ago, headed by former President Jimmy Carter and former Secretary of State James Baker, they recommended this very thing, that photo ID be used as an identifier to vote.

And I can quote as well, to go to the other point, the former mayor of the city of Atlanta, Andrew Young, who talks about the concept of a photo ID for voting. I think this is an interesting point he makes: At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID.

To go to the point of order that has been raised, this is an authorizing committee. The House Administration Committee is an authorizing committee. They have made provisions in the bill for appropriators to provide the appropriate funds of money that would be necessary to create the photo ID for the, and I will take the gentleman's figure, the 7 million people who are without.

I think it is important to note that the REAL ID Act which is going to be going into effect in the next several years is going to require federally issued photo ID as a means for identification and citizenship.

Mr. Speaker, I would now like to yield the balance of my time to the chairman of the committee, the gentleman from Michigan (Mr. EHLERS), who is very thoughtful, very well respected, and certainly is known for his intense study of a subject, and this one is no different.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Michigan is recognized for 2½ minutes.

Mr. EHLERS. Mr. Speaker, several points. First of all, I am surprised that anyone regards this bill as an attempt

to prevent people from voting. It is intended to aid them in voting. I am committed, as I said earlier, to allow every citizen the opportunity to vote, and make certain they can be assured that no one else is diluting that vote through illegal action.

Having said that, and recognizing that Andrew Young has also endorsed this, I don't understand the arguments of the Democrats on this. When the bill was first introduced and we had our first hearing, all of the complaints from the Democrats and the League of Women Voters was that we are disenfranchising the poor because they could not afford to get a photo ID and they could not afford to prove they were citizens.

So I said, fine, we will provide the money so that the poor can get a photo ID, and so that the poor can prove their citizenship. Then we are truly helping them, because not only can they vote, but as Andrew Young said, they can cash their check more readily. Also, if they want to apply for Social Security or Medicare benefits, they have proof of citizenship which speeds up the process tremendously; otherwise they have to go through the effort of proving citizenship at that time.

So this bill not only will help with voting, it will help the poor in many other ways because it provides payment for them to properly be able to identify themselves to get government services, to cash checks, et cetera, et cetera.

What we have done here is a good bill, and the point of order is simply invalid. If we are going to apply the point of order for this bill because the appropriators haven't yet acted, then every authorizing bill we pass that provides for funding through the States or localities is not going to pass the test either, because they won't have the appropriations in hand yet. I think it is a farce. I urge all Members to vote against this point of order, and I urge that we proceed on to the debate of the bill itself.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider House Resolution 1015?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCDERMOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 190, not voting 29, as follows:

[Roll No. 454]

YEAS—213

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—29

Beauprez
Boehlert
Brady (TX)
Cardoza
Case
Cooper
Costa
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Fattah
Ford
Gutierrez
Harris
Hyde
Keller
Kennedy (RI)
Moore (KS)
Ney
Nunes
Oxley
Pombo
Radanovich
Ryan (OH)
Shays
Strickland
Westmoreland
Wolf

□ 1132

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

Messrs. JEFFERSON, HOLT and FRANK of Massachusetts changed their vote from ''yea'' to ''nay.''

Messrs. EHLERS, BONNER and HALL changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HARRIS. Mr. Speaker, on rollcall No. 454, consideration of H. Res. 1015, I am not recorded due to travel delay. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume.

Mr. Speaker, last night the Committee on Rules granted a closed rule for consideration of H.R. 4844, the Federal Election Integrity Act. The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking member of the Committee on House Administration.

The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute as reported by the Committee on House Administration shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the right to vote is our most cherished freedom as American citizens. Over the years our Nation has evolved and progressed to include many more citizens in the voting process. Who could forget the wonderful accomplishments of Susan B. Anthony, Elizabeth Stanton, and Martin Luther King and countless others who fought to extend the right to populations that had previously been discriminated against?

Mr. Speaker, I am proud to say that today all American citizens, regardless of gender, race, creed or ideology, are free to vote for candidates from the Presidential election all of the way through to the school board.

But, sadly, there are those who have taken advantage of this cherished freedom by distorting our election system. We have all heard stories about the rolls of deceased voters mysteriously voting from the grave, sometimes even voting more than once.

Furthermore, with an increasing population of illegal immigrants populating our States, the possibility of noncitizens voting continues to grow. When voters go to the polls, they are electing representatives like us that will set policies for all citizens. Therefore, we should not allow these outcomes to be affected by individuals who have intentionally broken the law.

In my home State of West Virginia, I am not proud to say, five individuals were recently convicted of illegally influencing elections. Our State has long suffered from these illegal and unethical tactics used to stifle the voice of our voters. While many of these problems that have been plaguing our system cannot be fixed overnight, the underlying legislation is a step in the right direction.

The Federal Election Integrity Act simply requires that in order for a person to vote, they must be able to show proof of identification with a photo ID by 2007, and then 3 years later, in 2010, all voters will be required to provide a photo ID that could not have been obtained without proof of citizenship.

We all understand this is going to be a challenge for some of our rural, elderly and indigent populations, but the REAL ID Act already requires all people to have a compliant ID to prove their legal status by 2008.

Furthermore, this legislation authorizes funds to reimburse the States for providing IDs to the indigent at no cost. Seventeen States currently have similar requirements in their laws, most recently Arizona.

The Secretary of State for Arizona recently testified that voter registration has increased in Arizona by 15.4 percent since the implementation of Proposition 200, a measure that requires all voters to present identification at the polls before casting a ballot, as well as provide a proof of citizenship before registering to vote. Recent reports show that the primary election held last week in Arizona, that there were no stumbling blocks to this new provision. Certainly this has been a success as more voters are registering, and they have peace of mind that their registration is protected by proof of their identify.

During a recent NBC-Wall Street Journal poll, 81 percent of those surveyed expressed support for requiring ID at the polls. Clearly the voting population is concerned with voter fraud and is yearning for action. Even former President Carter and former Secretary of State James Baker, a bipartisan duo, have endorsed this approach.

Mr. Speaker, integrity in our election system is a goal that is shared across party affiliation. We want everyone to participate, to vote, and to know that their vote counts. And it is my hope that we can all work together to improve our system for future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO), for the time, and I yield myself such time as I may consume.

Mr. Speaker, I am in opposition to this closed rule. This so-called Federal Election Integrity Act places an unconstitutional burden on the fundamental rights of eligible citizens to participate in our country's democratic process.

I agree with the words of President Lyndon Johnson when he said, ''The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible wall which imprisons men and women because they are different from other men and women.''

Today, before millions of Americans, the majority is trying to reconstruct the walls of injustice and imprison our poor, disabled, elderly and young by putting up barriers to the voting process. This majority Congress has decided to embarrass itself further by coming up with a solution in search of a problem instead of passing legislation that would rectify actual problems that plague our citizens.

Out of all of the issues that this Congress could be considering in the last 2 weeks before we adjourn, the majority has decided that the priorities of the American people include trying to make voting harder for segments of our population that already have it difficult.

In today's USA Today, it says, ''Crisis Seen in Luggage Screening.'' And this is a report by TSA and airports highlighting the urgency of us needing to screen baggage that goes onto airplanes, and here we are screening voters who have done nothing wrong in the first place rather than dealing with urgent matters.

Although the majority of Americans have and use IDs as a routine matter, approximately 10 percent of the public, disproportionately people of color, elderly citizens, disabled citizens, and young people and low-income citizens, do not have government-issued photo IDs.

When I think about the latest schemes of the majority, I cannot help but think about who exactly this bill would affect. I call attention, for example, to elderly blacks born into segregation, as my mom and grandfather and grandmother were, and racism that existed in the pre-civil rights era in the South.

My mother was born in Florida in the early 20th century at a time when the birth of most blacks was not officially acknowledged by States or localities. This meant that my mom and thousands like her were not issued birth certificates. This practice continued in some areas of this country into the 1950s. Furthermore, many persons at this time do not drive, like my mom, so they never obtained licenses either.

Mr. Speaker, the claim that voter fraud is such a rampant problem is really beyond the pale. There is virtually no empirical evidence. I might add they held no hearings, did not take into consideration anything other than some nominal reports regarding this matter. There is virtually no empirical evidence that voter fraud with any frequency would warrant such a restrictive and potentially harmful legislation.

Furthermore, proponents of the voter ID requirements cannot even prove that existing safeguards do not adequately address the minimum problems of fraud. I heard all of the talk about something happened in Arizona and what the people did. All of that was prosecutable under the law as it exists. This legislation is nothing short of yet another political ploy at a political time when we are in high political dudgeon to bamboozle, disenfranchise American citizens.

The fact that this bill is being considered as a closed rule with no amendments and no debate confirms my suspicions that the majority is actively doing everything in its power to stifle democracy instead of letting it flourish.

Mr. Speaker, this country needs a new direction. This bill is nothing but a distraction to real issues that deserve real solution. Currently States have several alternative means to address potential problems associated with voter fraud. When those alternatives are executed correctly, which includes statewide voter registration databases, in-person affirmation and signature comparison, they pose less of a burden on eligible Americans than a mandatory ID. I also note that most of these alternatives have long been used successfully in States across the country.

If Republicans were serious about carrying out real election reform, they would not have voted against the two

amendments offered by my two good friends on the House Administration Committee, Ranking Member MILLENDER-MCDONALD and Representative LOFGREN, that sought to improve voter participation and access to polls.

□ 1145

As it stands, the current legislation before us today does absolutely nothing to alleviate the problems Florida had with recent elections on September 5, and would not address current problems that many States are still experiencing today.

Maryland, just last week, had all sorts of problems that this measure here would not have covered in their flawed election. I am not the only one who is concerned about the effectiveness of this bill. Our colleague, LINCOLN DIAZ-BALART, expressed extreme concern about there not being a paper trail in the voting process. I strongly agree with his concerns and those of ROBERT WEXLER, who has fought the paper trail problem in my district, and note that this bill provides nothing, nothing, for States to improve electronic vote.

Several States, including Florida, Missouri, where Mr. SKELTON is from and who will speak, has personal experience. Ohio, Michigan, Arizona, and the city of Albuquerque, New Mexico, have enacted voter ID requirements that have been challenged in court. Many have already been found unconstitutional and thrown out while others are still pending. Just yesterday, another judge, a superior court judge in Georgia, threw out that State's voter ID, which has been litigated ad nauseam.

For a party that doesn't like trial lawyers, the Republicans would almost guarantee big business with trial lawyers, with the increase of litigation that would immediately follow the passage of this litigation.

Mr. Speaker, we cannot bypass the opportunity to pursue real election reform. We cannot let the majority pass harmful and vague legislation that would only nullify the advances we have witnessed with such legislation like the Voting Rights Act.

Two years ago, in response to what I believe is going to be recited, that this is not an unfunded mandate, 2 years ago, the Democrats on the Appropriations Committee tried to provide funding under the Help America Vote Act, but the Republicans on that committee voted it down. So your argument that there would be funds for this falls on deaf ears. Once we pass a measure like this, the localities are going to have to bear the brunt, whether we fund it or not. Voting is for all of us, not just most of us. We can and must do better in the people's House.

For these reasons, I oppose this closed rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I think the perspective of a chief election officer of a State is one that can shed great wisdom and knowledge concerning this bill, so it is my honor to yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, certainly the fundamental building block of our democracy for the last 208 years has been a constitutionally guaranteed right to vote. Prior to my service in Congress here, I had the great honor and privilege to serve as my State of Michigan's chief election officer and the secretary of State.

In that role I viewed it as my duty to ensure the integrity of our elections process, to ensure that every eligible voter had an opportunity to vote, to ensure that every registered voter would turn out on election day, and to root out any fraud, any type of fraud in our elections process, and to ensure that every vote that was cast was properly counted.

I would like to think that I do have a deep understanding and certainly a respect for our Nation's electoral process, and not from a partisan tint. In fact, after the 2000 elections, the NAACP gave my administration the Nation's highest grade of any of the secretaries of State in the entire Nation for election reform.

Mr. Speaker, since the 2000 election, this Congress has also taken action to improve the process through the Help America Vote Act, that they authorized and appropriated millions and millions and millions of dollars for, which has improved the quality of our voting equipment and improved the registration voter list throughout the Nation.

Now, today, we have another positive electoral initiative that will help ensure the integrity of our process. H.R. 4844, the Federal Election Integrity Act, will require voters in Federal elections to show a photo ID to prove their identity and to be sure that their vote is counted.

I know that we are hearing concerns from the other side that for very partisan political reasons that this is going to disenfranchise voters, but nothing could be further from the truth. This important reform will ensure that every voter who presents himself at the poll, is who they say they are, and will limit diluting the votes of lawful voters by rooting out fraud.

Mr. Speaker, the call for photo identification at the polling places is not simply coming from Republicans. In fact, in my home State of Michigan, during the 2005 Detroit mayoral race, we heard calls there from both candidates, both camps about electoral improprieties that were happening in the city of Detroit. Both of the candidates engaged in that process and in that election were Democrats.

In fact, Freeman Hendrix, who lost that close race, actually came out after the election with a litany of things that we needed to do in the State of Michigan for election reform and paramount, a priority amongst them from him, was that we needed to have photo identification.

In addition, as has been mentioned on the floor already, the bipartisan Carter-Baker Commission, that is Jimmy Carter, former President Jimmy Carter, the Carter-Baker Commission on Electoral Reform recommended that we require photo ID at the polling places, again to ensure the integrity of our electoral process. I don't think there is anybody in the Nation that would accuse former President Jimmy Carter of being a Republican or a partisan Republican. We need to enact the photo identification requirement.

Another problem is that from some estimates, we have as many as 12 million illegal aliens in our Nation. Many of my constituents are concerned that votes of our citizens are being diluted by noncitizens illegally participating in the electoral process. This legislation actually builds on the REAL ID Act, which ensures that no States issue either driver's licenses or State identification cards to illegal aliens, and it assures the validity of the documents which establish the identity and the citizenship of the individuals.

This legislation will be yet another safeguard to ensure that those who are in our country illegally, or who are not citizens, do not participate in our electoral process. It also ensures that citizens who do not now have a government-issued photo ID, or cannot afford one, will have access to free, literally free, identification.

So there are a lot of reasons as to why people don't vote. Perhaps they think, they are very apathetic, they don't like the negative campaigning, or they don't like their choices of candidate, or they might think that there is too much fraud in the system and that their vote will not count, for whatever reason.

I truly believe that enhancing the integrity of the process will be an impetus to show people that their vote does count, that it is going to be counted, that it is going to be counted properly. In fact, this bill has the potential to actually increase voter participation.

Mr. Speaker, this is commonsense reform that will make our democracy stronger. I urge my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I just wish to correct one thing with reference to President Carter. What he said was that there should be identification, not proof of citizenship, and that it should be free to everybody. I am sure he didn't allow for an unfunded mandate.

Mr. Speaker, I yield to the distinguished ranking member of the Armed Services Committee, a decorated veteran and hero that all of us respect. I would be interested, the kind of hero that IKE SKELTON is, that he tell his story; or hear his story about what happened to him.

Mr. Speaker, I yield 2½ minutes to my good friend, the distinguished gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, not long ago the Missouri legislature passed a law just like the one that we are considering today for the State of Missouri. Since I don't drive, I needed a nondriver's license identification card. I went in to the Lafayette County license bureau, waited like all the others for 45 minutes to see the very nice young lady, and I told her that I needed a government, State of Missouri-issued nondriver's license identification card.

She said, ''I know you.'' Of course, she did. I produced the voting card identification card that I always carry with me. It has my picture, United States House of Representatives, the Honorable IKE SKELTON, Member of Congress, Missouri Fourth District, No. 190465, and has a facsimile of my signature, 109th Congress, January 2005–2007.

She said that ought to do it, but let me call the Jefferson City Department of Revenue and check. She did, and they said, no, that is not enough identification for me. I would have to go get either a passport or a birth certificate. As I was running out of time, I thanked her, and I would come back at a later moment. Thus, I was turned down trying to get a Department of Revenue nondriver's license voter identification card.

A month later, just a few days ago with my passport, which was up here in Washington in my safe, I waited in line and did get my voter nondriver's license identification card. So I am pleased to tell you that I can vote in November.

I also should tell you that in recent days the law that was passed by the Missouri legislature was held to be unconstitutional by the trial judge in Jefferson City, Missouri. This law, if allowed to stand in our State, or on a Federal level, will disenfranchise some very nice people, particularly senior citizens who walk in without a photo ID or driver's license. I just thought I would share my personal experience with my friends and colleagues here in the House.

Mrs. CAPITO. Mr. Speaker, I yield 3 minutes to the chairman of the House Administration Committee, the author of this bill, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentlewoman for yielding.

Mr. Speaker, first, I would like to address the comments raised by the gentleman from Missouri, who is one of the most outstanding Members of Congress. I am sorry that his State has adopted a law such that you have to have a certain type of State ID. I am not at all sure why they did not recognize his congressional ID.

Under the bill that we have written, the bill that is on the floor today, a congressional ID would be recognized and would be appropriate for the process, simply because it is issued by the Federal Government. It shows the picture of the person carrying it. It establishes, by virtue of the position, that this person has citizenship, and so the voter, the Member card, which I incidentally use for ID every time I board a plane, would apply equally well for voting. The event described is an isolated case, and he was affected by State law, not by the law that we are proposing here.

There has been so much said about how this is going to keep people from the polls, I don't see that at all. We have worked very hard on this bill. We have conducted three hearings. I understand that while I was out of the room, someone on the other side said we hadn't had any hearings. We had three hearings: one in Washington, DC, one in New Mexico, and one in Arizona.

I have also heard that this is going to keep people away from the polls. But in Arizona, when they passed their referendum requiring photo ID and citizenship proof, registration went up 15 percent. It did not go down, it went up. I think that is simply because the people could be assured that their vote would be entered properly, their vote would be legal, and that there would not be illegal votes nullifying what they had done.

Most of the argument that I have heard against this bill is simply not germane, or simply erroneous, because they simply haven't read the bill or understood it. We worked very hard to take into account the objections raised by the members of the committee, members of the public who had testified, and we thought we had taken care of all of those concerns.

Why is it unacceptable to help individuals prove their citizenship and obtain a photo ID and proof of citizenship free of charge. It is beyond me why that is unacceptable. Andrew Young says it is wonderful. Why don't the people in the House of Representatives think it is wonderful?

We are actually helping them to collect Social Security eventually, and collect Medicare benefits. We are paying the bill to allow them to do this, and I think this is a really good side benefit of a bill which not only will do that, but which will ensure that all votes cast in this Nation are valid votes, and that fraud will be minimized.

□ 1200

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. EHLERS continues to use Arizona. In the first 6 months of 2005, as a result of Arizona's Proposition 200, more than 10,000 Arizona citizens had their voter registrations rejected as a result of failure to provide adequate proof of citizenship. I think that is horrible.

Mr. Speaker, someone else that knows about protecting us from fraud is the ranking member of the Homeland Security Committee, who I believe has had a substantial career dealing with the subject of voter problems.

Mr. Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, integrity is having the wisdom to say what you believe and the courage to do what you say.

Here on the floor of this House, we talk about our beliefs in democracy, we talk about preserving and protecting the Constitution, we talk about the importance of voting. But talk is not enough. We must act. And if we enact this bill, we will fail the second test of integrity, to have your actions in line with your words.

In 2002, we passed the Help America Vote Act. HAVA set a baseline for voter identification requirements. Only three States in the Nation have interpreted HAVA to require photo identification at the ballot box. Each of these State laws is being challenged. Yesterday the Georgia court struck down the State's voter ID law. They said it violated the State constitution.

States that require photo ID at the ballot box provide a provisional ballot if a voter does not have an ID, but the bill before us today will go a giant step further. Without a valid ID, a voter can only get a provisional ballot if they can prove citizenship. So even if you voted for years, were born in this country and served in the military, you could be turned away.

Mr. Speaker, I am from Mississippi, and I know what voter suppression is when I see it. We stand here today ready to short-circuit the judicial process and impose a system that all 50 States have outright rejected.

My colleagues on the other side of this aisle have stated that this bill will help stamp out voter fraud, but look at the facts. The Department of Justice statistics show that over 196 million votes have been cast in Federal elections. Only 52 individuals have been convicted of voter fraud. In Ohio, 9 million votes were cast in the last two elections and only four cases of ineligible voters were found. In Wisconsin, the U.S. Attorney General conducted an investigation into alleged widespread voter fraud. He found 14 cases.

Today we are asked to mandate that State and local elections officials in every State train an army of volunteer poll workers to spot an acceptable photo ID, but we give them no money to do so.

Why the rush? This requirement will create massive confusion at the polling sites all over the country. People who have never had a photo ID will be required to produce it. Many people will have an ID. Some will go home and get their ID and come back. But others will not. Some of these people who are turned away may not have a driver's license or a passport at home. They will not come back. And they will wonder, as my fellow Mississippian Fannie Lou Hamer wondered, is this America?

I know it is hard for some folk to understand, but there are millions of people in this country that will not have an acceptable ID.

Mr. Speaker, I have found what WMD really stands for, weapons of mass disenfranchisement, and it is here in this bill. An election with integrity is one in which every eligible voter is encouraged to vote. I oppose this rule.

Mrs. CAPITO. Mr. Speaker, I would like to make a point of clarification. If this goes into effect, and somebody does arrive at the polling place without their photo ID, they would be given a provisional ballot and be permitted to vote with the caveat that they would return within 48 hours to show their photo ID. I just wanted to make that point of clarification.

Mr. Speaker, I yield 3 minutes to my colleague on the Rules Committee, my esteemed colleague the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as we continue debate over immigration and border security, it is important to remember the security of the ballot box. Most importantly, we need to uphold the concept of the citizen voter, which is the foundation, of course, of our democracy.

Voting in our democratic government needs to be preserved for United States citizens to protect the legitimacy of the voting process as well as the interests of the United States.

One of the first bills I introduced, Mr. Speaker, as a Member of Congress, was the Voter Verification Act to address concerns about noncitizens voting and reaffirm that only United States citizens have the right to vote.

The Voter Verification Act simply stated that before voting in a Federal election, a citizen has to provide proof of citizenship. Whether the proof of citizenship is a birth certificate, a passport or a driver's license from a State that limits driver's licenses to citizens, the important point is to make sure our election workers are checking credentials before allowing people to vote.

This bill is slightly different from the Voter Verification Act, but it is very similar, and I want to thank my colleague, Mr. HYDE of Illinois, for introducing H.R. 4844, the Federal Election Integrity Act of 2006, and, of course, as well as Chairman EHLERS.

In Georgia, Governor Perdue has twice signed legislation to address the issue of voter registration. Since Georgia requires proof of citizenship before any method of voter registration, the concern is matching a registration card to a legitimate photo identification card.

Combine the REAL ID Act, which passed earlier in this Congress to mandate secure and reliable State identification cards, with the Georgia ID law, starting this November the State I represent has a better system for knowing who is voting in our elections as well as a means for deterring illegal voters.

Mr. Speaker, in closing, I believe we need to preserve and limit the right to vote to citizens. The right to vote is a sacred right, and we need to preserve its integrity.

I ask my colleagues, support this rule and the underlying legislation. And, yes, I have finally found an issue on which I agree with former President Jimmy Carter.

Mr. HASTINGS of Florida. Jimmy Carter also said that States should make voter registration and IDs accessible to all eligible citizens by using mobile offices and other means to register more voters and issue photo ID cards, and he also called for comprehensive electoral reform, which you all are not willing to do.

Mr. Speaker, I yield 3 minutes to the distinguished minority whip, my good friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I rise in opposition to this bill.

The gentleman who has just spoken represents Georgia. Georgia passed a bill. The superior court has now twice held that bill to be unconstitutional. It is unconstitutional because it undermines the ability of Americans to vote. It in effect imposes additional tests.

In my State, I have been active for 40 years, I will tell my friend, I don't remember a case, not one, where citizenship was raised in our State. I venture if I asked all of you to prove to me you were a U.S. citizen right now, nobody on this floor could do it. Not one of you. You might give me a license. You might say, well, I was born here, there or everywhere. But nobody could prove they were a U.S. citizen.

Ladies and gentlemen, this bill is tantamount to a 21st century poll tax. It will disenfranchise large numbers of legal voters and disproportionately affect elderly people with disabilities, rural voters, students, racial and ethnic minorities, and low-income voters. Indeed, that may be its purpose. Hear me. That may be its purpose. All of these folks are less likely to have the current valid photo identification required by this bill.

It is highly ironic, Mr. Speaker, that just a few short weeks ago, this Congress reauthorized key provisions of the Voting Rights Act of 1965 after defeating a number of crippling amendments offered by the other side of the aisle, that landmark law designed to make voting easier and more fair, to address centuries, centuries, of discrimination. People were told they couldn't vote because of the color of their skin. People were told they couldn't vote because of their gender. They were told you can go to war, but you can't vote. We have changed that. Let us not now retreat and say, yes, but we are going to make it more difficult.

Today, through this voter ID bill, the Republican majority would make voting more onerous and burdensome for many, many Americans. Show me the cases. Show me the examples of the problem you are trying to solve.

Mr. Speaker, this legislation is nothing more than a partisan political stunt. All of us are united in seeking to eliminate voter fraud. I stand against voter fraud. I worked with the Help America Vote Act Coalition to pass the Help America Vote Act. We have staff on here who worked very hard on that bill. We debated this issue, and the Congress rejected it. But now, 7 days left in the session, let us appeal to the fear, and, yes, perhaps the prejudice of people.

I ask that this bill be defeated. It is a bad bill for America. It is a bad bill for democracy. It is a bad bill for the House of Representatives to pass.

Mrs. CAPITO. Mr. Speaker, the gentleman asked for examples? I have an example here of a study that was done by the Johns Hopkins University computer science students that found 1,500 dead people listed who had voted in past elections. Now, you want to talk about onerous voting. It is difficult to get out of a grave and vote.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Maryland.

Mr. HOYER. They found 1,500. Can the gentlewoman cite me one instance of a criminal charge being proven that that is the case? I don't doubt that you can assert that some people said there is fraud. Yes. Can you cite me one conviction of anybody who facilitated one of those 1,500 dead people going in, saying, ''I am Sam Brown,'' who is dead, ''and I want to vote''? Can you cite me one example of one conviction where that was found to be the fact, as opposed to an assertion?

Mrs. CAPITO. Mr. Speaker, reclaiming my time, after the fact I cannot cite you one example, but I don't think the gentleman would deny that fraud occurred and has occurred under this.

Mr. HOYER. Can I respond that I do agree with the gentlewoman that fraud does occur, and when it occurs, we ought to prosecute it. When fraud occurs, we ought to put those people in jail, because they undermine the rest of us who are voting honestly and fairly.

What we ought not do is respond to that by making it more difficult for many Americans to cast the basic right that they have as American citizens, the vote.

Mrs. CAPITO. Mr. Speaker, I agree with the gentleman. We don't want to disenfranchise anybody from voting, because voting is something that we all cherish not only in this Hall, but in every household in America. I believe that asking somebody to show a photo ID, which we do for many things, to buy cigarettes, beer, get on an airplane, travel, and many other instances, cash a check, we are asked for photo ID in many instances, and I think we provide in this bill for those who might not have photo ID who need it.

Once they get it, I think it would be viewed as a positive thing for them, so they wouldn't be going, as they do in many cases to check-cashing facilities that don't require a photo ID, and they end up paying 30 and 40 percent surcharges for that.

I would like to say, in my State of West Virginia, we just had five Federal convictions for vote fraud, vote buying. So it exists. And it is a defeating thing that occurs from State to State, because it defeats those of us who get up on that election morning or have gotten up earlier to early vote or send in our absentee ballot. It feels like our vote is being disenfranchised.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I would like to clarify, as somebody who supervised one of the largest counties in the United States for 10 years in the voter registration system, that voter fraud is not something you can come back on after the fraud is committed. The person who voted for those dead people is long gone by the time it comes up on the record that somebody who has got a death certificate filed is also somebody who supposedly voted. Then to say why didn't we catch the person who was doing it, it is too late to stop voter fraud once the vote is done and they are out of the booth.

□ 1215

That is just a practical experience of actually administering the programs.

Mr. Speaker, last June, in the 50th District, my constituency was rocked by statements made by a candidate that you do not need papers for voting. Those words were rocked across this country as the scandal over the issue of whether a candidate was actually soliciting people who were not U.S. citizens to vote in a public meeting.

The fact is in the State of California there is no checking, no reviewing, and not even the ability for those of us who supervise the electoral process to be able to question those, when they register to vote, if they were qualified. It was strictly on an honor system, and the honor system did not even say I am a citizen. It just says I am qualified.

The integrity of our republican form of government, the electoral process that we like to call democracy, has two major threats. Yes, stopping those who can qualify to vote from being able to participate if they are franchised. But the other violation that we have not addressed enough of when it comes down to violating voters' rights is disqualifying a legitimate vote by allowing those who do not have the constitutional right to vote to cancel out those legitimate votes. That is the violation of the Voting Rights Act that we have not addressed in this body enough.

Mr. Speaker, I ask us to stand up for our process, for fairness, and with the American people, that we will do everything we can to protect our process.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. SOLIS), my good friend. Ms. SOLIS is the first Hispanic woman to be elected to the California senate. She has had a lot of experience in this voter business.

Ms. SOLIS. Mr. Speaker, I thank the gentleman for offering me this moment to speak.

Mr. Speaker, I would like to raise my strong opposition to the closed rule and the underlying piece of legislation, H.R. 4844, which restricts the right of citizens to vote.

With the cast of one vote, this legislation would undo what women and communities of color have fought for decades: the sacred right to vote and have a voice in the electoral process.

The bill will suppress the vote of groups like the elderly, people of color, and low-income citizens who are less likely to possess documents or prove their citizenship. Elderly citizens especially, who were born at home and do not possess their birth certificates, would be denied their right to vote. Citizens who lost their possessions because of natural disasters like Hurricane Katrina would be denied the right to vote. Women change their last name when they marry. Will they have the right to vote or will that be restricted?

The bill might as well be a poll tax for low-income citizens who would be required to obtain and pay for a document like a passport, which would cost them $97 just to acquire one. That is a big, big amount of money for many of our low-income seniors to meet.

It is already a felony, as we know, in this country to vote fraudulently. Law-abiding citizens should not be penalized.

The bill is a breach of the American citizens' right to vote and undermines everything that the Voting Rights Act stands for.

I strongly urge my colleagues to vote down this closed rule and the underlying legislation.

I just want to make a statement that there is no law that says that you cannot have people go out and help participate in campaigns and knock on doors and pass out literature. I believe the candidate in that San Diego race was asking for that support. So I would like to clarify the record on behalf of Ms. Francine Busby, because I know after meeting her that she was very excited about talking to students and engaging them in the art of voting and getting people out to understand the importance to take on your civic responsibility.

Mrs. CAPITO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, all we are looking for is common sense here. You have to have a photo ID if you look like you are under 18 years of age and want to buy alcohol. You have to have a photo ID if you are going to get on board an airplane. You have to have a photo ID if you are going to enter many office buildings here in the United States.

It seems to me that the notion of providing photo identification when you are getting ready to exercise that very important franchise to vote is something that we should have in place.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, it is only the things you cite, I just am curious. For beer or to cash a check or get on a plane or buy cigarettes or go into a building, do you need citizenship on that ID?

Mr. DREIER. The point I am making is, I am talking about a photo identification. In this bill it begins by simply photo identification. Then in 2010 it gets to this notion of citizenship, and the fact of the matter, it begins the implementation in 2008, simply requires photo identification. I am happy to have yielded to my dear friend.

I will say, as we look at this challenge that we have, Mr. Speaker, it is very important for us to realize the potential for fraud is there. We invite fraud and we know that there are potential problems on the horizon, and I know that my friend from California (Ms. MILLENDER-MCDONALD) yesterday said this is a solution looking for a problem. I think that as we look at past elections, there have been instances of fraud.

Common sense is what we are trying to apply here, and I believe that having photo identification when it comes to that extraordinarily important franchise is essential.

The chairman of the Administration Committee, Mr. EHLERS, pointed out in the Rules Committee yesterday that in the case of Arizona, when they put it into place, we hear this argument we are going to suppress the vote, we are going to discourage people from being able to vote. They actually had a 15 percent increase in the number of registered voters in the State of Arizona, as was testified by the Secretary of State.

Mr. Speaker, this is a good measure. It deserves our support, and I hope Republicans and Democrats will join us in doing it. I thank my friend for yielding.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA), my good friend and classmate.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we all agree that we have to remove any type of voter fraud that might exist in our electoral system, and we need to prosecute to the fullest extent of the law anyone who does violate that, and we have to make sure that we base our laws on the evidence and documented facts that are out there.

The reality is that while we know that there are isolated cases of voter abuse, it does not amount to what this majority is trying to make us believe, that we must now disenfranchise thousands, if not millions, of American citizens from the ability to vote, simply to tackle what we hear are anecdotal stories about people who may have abused the process.

Mr. Speaker, it may not be an intended consequence, but it certainly is an inescapable consequence that this bill will disenfranchise many Americans who are citizens and wish to vote. It will also amount to a poll tax, as we have heard.

Nearly 75 percent of Americans do not have a passport. It costs about $100 to get one. In many parts of our country, especially in the South, we have many elderly African Americans and a number of Native Americans throughout our country, who were born at home or under the care of midwives, who never received a birth certificate. Approximately 6 to 10 percent of the American electorate does not have any form of State identification. African Americans are four to five times less likely than whites to have photo identification. And, finally, in Georgia, 36 percent of its voters over the age of 75 do not have government-issued photo IDs.

Isolated cases of abuse must be addressed, but this bill does not do that. It takes a meat axe to try to deal with the problem, and if you do not believe me, then talk to the folks who were victims of the Katrina hurricane, who lost everything, including any type of personal identification. How do they tackle the problem of trying to go vote and only being given 48 hours to show a photo ID that they no longer have?

We can resolve this in a bipartisan fashion, but this is not the direction to go. I urge Members to vote against this rule and against this bill.

Mrs. CAPITO. Mr. Speaker, it is now my honor and pleasure to yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of the rule and the bill which will restore integrity to our election system.

It is outrageous and inexcusable that voters do not have to show proof of citizenship in order to vote in an election. Illegal immigrants are populating this country in an unprecedented number, and it is unjust and unfair to citizens of this country that noncitizens have had a hand in electing Federal officials.

The right to vote is the cornerstone of our democracy. It baffles me that there are no laws in place to protect this sacred practice from noncitizens.

H.R. 4844 has proper timelines and implementation guidelines in place for the proof of citizenship requirements, and if there are added costs to local governments, there certainly are a few appropriation years between now and 2008 for funding to be provided.

So listen up, America. Those who are in this country illegally want the same rights as United States citizens, without obeying the laws of our land. We should not let these criminals defraud our election system by allowing them to vote.

We have heard some pretty specious arguments here from the other side of the aisle on the impact of this bill. The Federal Election Integrity Act accomplishes a commonsense, much needed component in our election system. American citizens will proudly provide proof of citizenship, and illegals will realize the gig is up.

I urge my colleagues to vote for the rule and also for the underlying bill, H.R. 4844.

Mr. HASTINGS of Florida. Mr. Speaker, I would advise my friend from Florida and colleague in the House of Representatives that the people that stole the election in 2000, in mine and your State, were not illegal immigrants.

Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE), my good friend.

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding and for his leadership in the preservation of democracy and also in the promotion of justice.

Talk about a cynical and discriminatory election-year ploy. This is unbelievable. This bill, as well as this closed rule, should be defeated.

As the country with one of the lowest percentages of voter participation in the world, we should be doing everything we can to remove the barriers to voting. For example, we should have been debating legislation to fix the real problems with the 2002 and 2004 elections: long voting lines, voter intimidation, faulty machines, poor training for poll workers, discriminatory voter registration laws; or making, for example, election day a Federal holiday so everyone can exercise their right to vote.

But, instead, we are debating a bill that effectively suppresses voter turnout by imposing this new, unconstitutional poll tax on all Americans. Have we already forgotten why we just reauthorized the Voting Rights Act a few months ago? Now the Republican leadership is already working overtime to try and undermine it.

Yes, we must eliminate voter fraud, but that is certainly not what this bill does. There are real solutions that will enforce our constitutionally guaranteed right to vote, that will ensure that every vote is cast and counted. That is what we should be voting on.

As we supposedly promote democracy throughout the world, we are quickly, and I mean quickly, eroding it right here at home, and this bill is an example of another step in that direction.

Let us practice what we preach. Let us defeat this rule and this sham bill and do some things in this body this session to make sure that every individual who has the right to vote is allowed that right and that voting becomes freer and fairer in our country.

Mrs. CAPITO. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentlewoman from West Virginia (Mrs. CAPITO) has 7½ minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 6 minutes remaining.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend from Arizona (Mr. PASTOR). Arizona has been utilized an awful lot here. Perhaps we should hear from an Arizonan who was at Mr. EHLERS' hearing and could speak to this issue.

(Mr. PASTOR asked and was given permission to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, at the hearing that we had in Phoenix, Arizona, I asked a question of the panel which included the election director from Maricopa County, the largest county; the election director from Apache County; the president from the Intertribal Council of Arizona; the Secretary of State, Jan Brewer, who was the Republican running for the election; the county attorney, Andrew Thomas, who ran on an anti-immigrant; and also the president of the League of Women Voters.

□ 1230

When the question was asked whether in the history of Arizona voting had there been one instance of voter fraud that was directly linked to an undocumented person, the response was zero. The question then was asked, since we have had the Proposition 200 which requires an ID when you register and now when you go to the polls where, as correctly has been stated, that thousands of people have now registered, the question was asked, what have you done to show that there has been voter fraud, attempted or perpetuated by an undocumented? And the answer again was zero. And possibly, the county attorney said that he might have a case where he may indict 10 people.

So if you look at the situation, you would find that the response of the people on the panel was that Proposition 200 came about because of a perceived problem of undocumented people being able to vote. So this is built on the conception that you may have fraud in the future.

The Intertribal Council President Rafael Bear said it would injure the voting and suppress voting among Native Americans. The League of Women Voters came out against the proposition because of the suppression of the vote. The election director of Maricopa County said it wasn't needed, that in the past they didn't have the fraud that everybody was perceiving. So as Chairman DREIER said, this is a solution that is looking for a problem.

Mrs. CAPITO. I would like to read from the committee record from the hearing on Arizona, if I might. And this is from the Honorable Andrew Thomas, the Maricopa County Attorney. He talks about instances of voter fraud, they were charged of filing false documents, a class 6 felony.

Maricopa County Recorder Helen Purcell referred these matters to the county attorney's office after her office received jury questionnaire forms from the county jury commissioner. These forms were filled out by potential jurors who claimed they were unable to serve on a jury because they were not citizens. The county recorder's Office found that they claimed to be citizens when they filled out the voter registration form. Four of these five defendants voted in at least one election. In addition to the 10 charged defendants, they were reviewing 149 other cases. The county recorder had received inquiries from people seeking to become U.S. citizens who had been told by Immigration and Customs Enforcement to obtain a letter from her office confirming they had neither registered to vote nor voted. And today, a review of these matters has turned up 37 noncitizens who have registered to vote.

So I think this is a good reason to get out of Washington, D.C., to have real-life testimony across the country, which I know we do quite often. And this comes from the State of Arizona.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I am prepared to close at this time, and I yield myself the remainder of the time.

Mr. Speaker, I will submit for the RECORD the Carter-Baker Commission on Federal Election Reform Report that appeared in the American University. In addition thereto, I will submit for the RECORD an Atlanta Journal article referring to the Georgia Supreme Court's denial of this same measure.

Mr. Speaker, you know where some fraud is occurring, as much as this seems to be ringing alarm bells in the majority? There is a lot of fraud in Medicare in the United States of America, there is a lot of fraud in Medicaid. We could drive right across 14th Street Bridge and go over there and find all that fraud at the Pentagon if we wanted to hunt up some real fraud. And we could really go to Iraq and trace the money that has been wasted in Iraq's reconstruction if we want to find some fraud. I mean, those are some urgent things.

To buy beer, you don't need to be a citizen if you have photo ID. To cash a check, you don't have to be a citizen. To get on a plane, you don't have to be a citizen. To buy cigarettes, you don't have to be a citizen. And now you come up with the precursor to a national ID card. And that is really what this is, after we get past all the mumbling, fumbling, and words that we are saying.

Mr. Speaker, I will be asking Members to vote ''no'' on the previous question so I can amend this rule to allow the House to consider the Millender-McDonald amendment that was offered in the Rules Committee late last night, but was rejected.

I ask unanimous consent to print the text of the amendment and extraneous materials immediately prior to vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, if the leadership is insistent on the moving forward with this divisive bill, which I might add ain't going to pass the Senate, let's at least allow the ranking member of the committee of jurisdiction to offer her amendment to try and address some of the more egregious provisions in the bill.

The Millender-McDonald amendment would establish uniform standards for the treatment of provisional balance and clarify criminal penalties for voter fraud under the Help America Vote Act. It would codify a Federal court decision that HAVA matching requirements are intended as an administrative safeguard, not as a restriction on voter eligibility. And it would recommend to the States additional fraud-prevention methods. Finally, it would exempt senior citizens, the disabled, and the military and their families from onerous photo ID requirements in the bill.

Mr. Speaker, nonparticipation in the election process is more of a problem in this country than noncitizens trying to vote. This bill will do more to keep eligible American citizens away from the polls than it will do to fix the nonexistent problems of ineligible immigrants sneaking in to vote in our Federal elections.

If we must take up this problem in search of a solution, let's at least allow the Millender-McDonald amendment to be included. I ask that we vote ''no'' on the previous question so we can consider this important amendment.

[From AU News, Sept. 19, 2005]

CARTER-BAKER COMMISSION ON FEDERAL ELECTION REFORM STRESSES URGENCY OF REFORM

WASHINGTON, DC.—Former President Jimmy Carter and former Secretary of State James A. Baker, III will conduct meetings with President Bush and Congressional leaders today to discuss recommendations in the final report of the Commission on Federal Election Reform, which they co-chaired.

The 21-member Commission, which conducted public hearings in Washington and Houston, offers 87 recommendations to strengthen the country's electoral system and build confidence among voters in the political process. The Commissioners met with political leaders Monday in order to stress the need for change before the 2008 presidential election.

''Elections are the heart of our democracy,'' Carter said. ''The Help America Vote Act of 2002 made an historic contribution, but one law is not enough. The American people are losing confidence in the system, and they want electoral reform. We have forged a comprehensive package of reforms that represent the best path toward modernizing our electoral system, and we hope that the President, the Congress, and the states will consider them seriously.''

''We hope that this report will help transform the sterile debate between Democrats and Republicans on election reform issues and provide the impetus for our federal and state leaders to take action now, when we still have plenty of time before our next presidential election,'' Baker said.

The 21-member private commission is organized by American University. Comprised of former Members of Congress, scholars and nonpartisan leaders, the group identified ''five pillars'' of election reform—voter registration, voter identification, voting technology, increased access to voting and nonpartisan election administration—and recommended ways to strengthen them. Highlights include:

To address the most serious problem of inaccurate registration lists, the Commission recommends that states, not local jurisdictions, organize and update their lists, and that the U.S. Election Assistance Commission (EAC) take the lead in making the lists interoperable so as to eliminate duplicates when people move between states.

To enhance ballot integrity, states should require voters to present a REAL ID card at the polls and provide non-drivers with a free photo ID card for voting, but during a transition, citizens without a card should be permitted to vote with a provisional ballot.

States should make voter registration and IDs accessible to all eligible citizens by using mobile offices and other means to register more voters and issue photo ID cards.

Congress should pass a law to require voter-verifiable paper audit trails on all electronic voting machines, and the EAC needs to take additional steps to ensure those machines are secure and accessible for people with disabilities.

The U.S. Election Assistance Commission and state election management institutions should be strengthened and reconstituted on a nonpartisan basis.

The presidential primary schedule should be reorganized into four regional primaries.

The full report is available on the Commission Web site at http://www.american.edu/Carter-Baker.

The Commission's Co-Chairs will have a press conference on Capitol Hill at 1:30 pm in the Hall of Columns. President Carter will also be speaking at American University at 4 pm, and that will be open to the media.

American University's Center for Democracy and Election Management (CDEM) organized the work of the Commission in association with the James A. Baker III Institute for Public Policy at Rice University, The Carter Center and electionline.org, sponsored by The Pew Charitable Trusts. General sponsors include Carnegie Corporation of New York, the Ford Foundation, the John S. and James L. Knight Foundation and Omidyar Network. CDEM Director Robert A. Pastor is executive director of the Commission and serves as a Commission member.

In addition to Carter, Baker and Pastor, Commission Members include:

Betty Castor, the 2004 Democratic candidate for U.S. Senate in Florida.

Tom Daschle, former U.S. Senate Minority Leader from South Dakota.

Rita DiMartino, former vice president of congressional relations for AT&T.

Lee Hamilton, president and director of the Woodrow Wilson International Center for Scholars and a former Member of Congress from Indiana.

Kay Coles James, former director of the U.S. Office of Personnel Management.

Benjamin Ladner, president and professor of philosophy and religion at American University.

David Leebron, president of Rice University in Houston, TX.

Nelson Lund, professor of constitutional law at George Mason University in Arlington, VA.

Shirley Malcom, head of the Directorate for Education and Human Resources Programs of the American Association for the Advancement of Science (AAAS).

Bob Michel, former U.S. House Whip and House Minority Leader from Illinois.

Susan Molinari, president and CEO of the Washington Group, a government relations and lobbying firm, and former Member of Congress from New York.

Robert Mosbacher, chairman of Mosbacher Energy Company and past chairman of the Republican National Committee.

Ralph Munro, former Washington secretary of state and board member for various voting and Internet technology comparues.

Jack Nelson, Pulitzer Prize-winning journalist and former Washington bureau chief for the Los Angeles Times.

Spencer Overton, professor specializing in voting rights and campaign finance law at The George Washington University Law School in Washington, DC.

Tom Phillips, former chief justice of the Supreme Court of Texas.

Sharon Priest, former Arkansas secretary of state and current chair of the Arkansas State Election Improvement Study Commission and the State Board of Election Commissioners.

Raul Yzaguirre, presidential professor of practice in community development and civil rights at Arizona State University and former president of the National Council of La Raza.

[From ajc.com, Sept. 19, 2006]

JUDGE VOIDS VOTER PHOTO ID LAW

(The Associated Press)

A state judge has thrown out the latest version of Georgia's law requiring voters to show photo ID, ruling that it violates the constitutional rights of the state's voters.

Fulton County Superior Court Judge T. Jackson Bedford, Jr. issued the ruling Tuesday, nearly three weeks after lawyers argued both sides of the issue, which is likely headed for the Georgia Supreme Court before the Nov. 7 general elections.

Bedford said the photo ID requirement disenfranchises otherwise qualified voters and adds a new condition to voting that violates the state constitution.

In his 17-page ruling, Bedford took issue with the burden placed on voters to prove who they are using photo ID. Even if voters are allowed to cast ballots without the required identification, they must return within 48 hours with one of the six necessary photo IDs or their vote is forfeited.

''This cannot be,'' Bedford wrote, pointing out that photo ID are not even required to register to vote in Georgia.

''Any attempt by the Legislature to require more than what is required by the express language of our Constitution cannot withstand judicial scrutiny,'' Bedford wrote.

Supporters of the photo ID law say it is needed to protect against voter fraud. Opponents argue it disenfranchises poor, elderly and minority voters who are less likely to have a driver's license or other valid government-issued photo ID.

The new law took effect July 1, but was blocked by state and federal judges during the state's July primaries, August runoffs and some local special elections held Tuesday.

Last October, U.S. District Judge Harold Murphy struck down an earlier version of the law, saying it amounted to an unconstitutional poll tax. The Georgia Legislature addressed his complaints in the latest version, but when Murphy issued an injunction before the July 18 primaries, he said the state had not taken enough time to educate voters.

Because the U.S. Department of Justice didn't approve the photo ID requirement until late June, the state's election board had only three weeks to educate voters before the primaries—a window that was too short, Murphy said then.

Elections supervisors across the state have trained poll workers on both the old law and the new one.

Last week, Murphy blocked the law from being enforced in more than 20 special elections Tuesday.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleague from Florida for presenting his viewpoints on this, and we obviously have great differences.

I think the underlying legislation is an important step towards improving the integrity of the election system. We have both talked about the lack of participation in our elections and how that is something that, really, as Americans we are not very proud of. But if we don't have a system that has integrity, our participation rates are going to go even lower, and that is a concern, I believe, for all of us.

We have made great strides towards extending the right to vote to all citizens, but there is still work to be done to improve the integrity of our system. This is something the American people have spoken loudly on, with 81 percent of the population favoring the measures taken in this underlying legislation.

I am pleased that my colleague inserted the report from former President Jimmy Carter and former Secretary of State James Baker. They wrote in the New York Times in September of 2005 concerning this report: ''Our concern was that the differing requirements from State to State could be a source of discrimination, and so we recommended a standard for the entire country, the REAL ID card, the standardized driver's license mandated by Federal law, last May. With that law, a driver's license can double as a voting card. All but 3 of our 21 commission members accepted the proposal in part because the choice was no longer whether to have voter ID, but what kind of voter ID the voters should have.''

So I ask my colleagues to support the rule and the underlying legislation

The material previously referred to by Mr. HASTINGS of Florida is as follows:

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

PREVIOUS QUESTION FOR H. RES. 1015 H.R. 4844—FEDERAL ELECTION INTEGRITY ACT OF 2006

In the resolution strike ''and (2)'' and insert the following:

''(2) the amendment in the printed in Section 3 of this resolution if offered by Representative Millender-McDonald of California or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

At the end of the resolution add the following new section:

''Sec. 3. The amendment by Representative Millender-McDonald referred to in Section 1 is as follows:

AMENDMENT TO H.R. 4844, AS REPORTED OFFERED BY MS. MILLENDER-MCDONALD OF CALIFORNIA

Add at the end of section 303(b)(1) of the Help America Vote Act of 2002, as proposed to be amended by section 2(a) of the bill, the following:

''(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to any elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee—6)).''.

Amend section 303(b)(2)(B) of the Help America Vote Act of 2002, as proposed to be amended by section 2(a) of the bill, to read as follows:

''(B) EXCEPTION FOR ABSENT MILITARY VOTERS AND THEIR FAMILIES.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6(1)).''.

Add at the end of section 303(b)(2) of the Help America Vote Act of 2002, as proposed to be amended by section 2(a) of the bill, the following:

''(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by a elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee—6)).''.

Add at the end of section 2(d) the following:

(3) EXCEPTION.—Notwithstanding paragraph (1) or section 303(d)(2) of the Help America Vote Act of 2002 (as amended by paragraph (2)), this section and the amendments made by this section shall not apply with respect to any election which is held in a State during a fiscal year for which the amount provided to the State pursuant to the authorization under section 297A of such Act (as added by section 3(c)) is not sufficient to cover the costs incurred by the State in carrying out the amendments made by section 3.

Insert after section 3(a) the following new subsection (and redesignate accordingly):

(b) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Section 303(b) of such Act (42 U.S.C. 15483(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(7) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Not later than December 31 of each year during which a regularly scheduled general election for Federal office is held (beginning with 2008), each State shall submit a report to the Commission on the number of individuals in the State who were registered to vote with respect to the election but who were prohibited from casting a ballot in the election, or whose provisional ballots were not counted in the election, because they failed to meet the requirements of paragraph (1) or (2).''.

Add at the end the following:

SEC. 4. ELECTION INTEGRITY AND VOTER ENFRANCHISEMENT.

(a) UNIFORM STANDARD FOR TREATMENT OF PROVISIONAL BALLOTS CAST AT INCORRECT POLLING PLACES.—Section 302(a)(4) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended to read as follows:

''(4)(A) An individual's provisional ballot shall be counted as a vote in an election for Federal office if the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in that election—

''(i) at the polling place at which the individual cast the provisional ballot; or

''(ii) at any other polling place in the State at which votes are cast in the same election for the same Federal office.

''(B) In determining whether an individual is eligible to vote at a polling place for purposes of subparagraph (A), the appropriate State or local election official shall review the computerized statewide voter registration list established and maintained under section 303(a).''.

(b) CRIMINAL PENALTIES FOR VOTER SUPPRESSION.—Section 905 of such Act (42 U.S.C. 15544) is amended by adding at the end the following new subsection:

''(c) VOTER SUPPRESSION.—

''(1) IN GENERAL.—It is unlawful for any person—

''(A) to assert to any State election official that an individual is not eligible to vote in an election for Federal office, unless the assertion is made in good faith on the basis of facts known to the person making the assertion; or

''(B) to knowingly provide any person with false information regarding an individual's eligibility to vote in an election for Federal office or regarding the time, place, or manner of voting in such an election.

''(2) PENALTY.—A person who violates paragraph (1) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both, for each such violation.''.

(c) CLARIFICATION OF USE OF INFORMATION PROVIDED IN VOTER REGISTRATION APPLICATIONS.—

(1) PROVISION OF DRIVER'S LICENSE OR LAST 4 DIGITS OF SOCIAL SECURITY NUMBER USED SOLELY FOR MANAGING OFFICIAL LIST OF REGISTERED VOTERS.—

(A) IN GENERAL.—Section 303(a)(5)(A) of such Act (42 U.S.C. 15483(a)(5)(A)) is amended—

(i) in clause (i), by striking ''an application for voter registration'' and all that follows through ''includes—'' and inserting the following: ''an applicant for voter registration for an election for Federal office shall include in the application—''; and

(ii) by adding at the end the following new clause:

''(iv) PROVISION OF INFORMATION SOLELY FOR PURPOSES OF MANAGING OFFICIAL VOTER REGISTRATION LIST.—The requirement to provide or to assign information with respect to an applicant for voter registration under this subparagraph is solely for the purpose of establishing an administrative safeguard for storing and managing the computerized statewide voter registration list under paragraph (1), and the failure to provide such information by an applicant or the existence of an error in any of the information provided by an applicant may not serve as grounds for the rejection of an application or as grounds for prohibiting the applicant from voting in any election.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

(2) PERMITTING AFFIDAVIT TO SERVE AS ATTESTATION OF CITIZENSHIP.—Section 303(b)(4) of such Act (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) USE OF AFFIDAVIT.—

''(i) AFFIDAVIT INCLUDED.—In addition to the question required under subparagraph (A)(i), such mail voter registration form shall include an affidavit which may be signed by the registrant attesting to United States citizenship.

''(ii) SIGNED AFFIDAVIT ACCEPTABLE DECLARATION OF CITIZENSHIP.—Notwithstanding subparagraph (B), the application of an applicant who does not answer the question included on the registration form pursuant to subparagraph (A)(i) but who signs the affidavit described in clause (i) shall not be treated as incomplete.''.

(d) FRAUD PREVENTION METHODS.—Section 303(b)(2) of such Act (42 U.S.C. 15483(b)(2)) is amended by adding at the end the following new subparagraph:

''(C) ALTERNATIVE FRAUD PREVENTION METHODS.—At the option of the State, an individual who does not meet the requirements of subparagraph (A) may meet the requirements of this paragraph by meeting such other requirements as the State may establish to prevent vote fraud, such as reasonable methods to identify voters who have already voted, including but not limited to the use of indelible ink.''.

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply with respect to elections occurring after December 2006.

SEC. 5. REQUIREMENTS PRIOR TO IMPLEMENTATION OF NEW VOTER IDENTIFICATION REQUIREMENTS.

(a) AVAILABILITY OF FUNDING FOR STATES.—

(1) REQUIRING PAYMENT OF FUNDS FOR MEETING ELECTION ADMINISTRATION REQUIREMENTS.—The amendments made by this Act (other than section 4) shall not take effect unless—

(A) the amount provided to States pursuant to the authorization under section 297A of the Help America Vote Act of 2002 (as added by section 3(c)) is sufficient to cover the costs to the States of meeting the requirements of section 303(b)(4) of such Act (as added by section 3(a)); and

(B) the aggregate amount of funds appropriated for requirements payments to the States pursuant to the authorization under section 257(a) of such Act is equal to the aggregate amount authorized to be appropriated for such payments.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by striking ''the following amounts:'' and all that follows and inserting the following: ''an aggregate amount of $2,000,000,000''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

(b) REQUIRING ACCESS TO PHOTO IDENTIFICATIONS PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS.—The amendments made by this Act (other than section 4) shall not take effect unless the Election Assistance Commission reports to Congress that not less than 95 percent of the voting age population of the United States has obtained photo identification which meets the requirements of the Help America Vote Act of 2002 which are added by the amendments made by this Act, and that individuals who were not able to afford the fee imposed by a State for the identification were provided the identification free of charge by the State.

(c) REQUIRING CERTIFICATION BY ATTORNEY GENERAL, CHIEF STATE ELECTION OFFICIAL, AND GOVERNOR PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS IN STATE.—

(1) CERTIFICATION.—The amendments made by this Act (other than section 4) shall not apply with respect to elections held in a

State unless the chief executive of the State, the chief State election official of the State, and the Attorney General certify to Congress that, on the basis of clear and convincing evidence—

(A) voting by noncitizens in the State is a persistent and significant problem; and

(B) the remedies and prohibitions applicable under the laws in effect prior to the implementation of the amendments made by this Act are insufficient to prevent and deter this problem.

(2) DEFINITIONS.—In this subsection—

(A) the term ''chief State election official'' has the meaning given such term in section 253(e) of the Help America Vote Act of 2002 (42 U.S.C. 15403(e)); and

(B) the term ''State'' has the meaning given such term in section 901 of such Act (42 U.S.C. 15541).

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1015, if ordered, and suspending the rules on H. Res. 942.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 16, as follows:

[Roll No. 455]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Beauprez
Berman
Case
Cole (OK)
Cubin
Evans
Harris
Hinojosa
Keller
Kennedy (RI)
Moore (KS)
Ney
Rangel
Shays
Strickland
Weldon (PA)

□ 1302

Mr. LARSON of Connecticut, Mr. FARR, Ms. MCKINNEY, and Ms. HERSETH changed their vote from ''yea'' to ''nay.''

Mr. BUYER changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 455, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 196, not voting 13, as follows:

[Roll No. 456]

AYES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas

Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Beauprez
Case
Cole (OK)
Cubin
Culberson
Evans
Harris
Keller
Kennedy (RI)
Moore (KS)
Ney
Slaughter
Strickland

□ 1311

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 456, I was not recorded. Had I been present, I would have voted "no."

RECOGNIZING CENTENNIAL ANNIVERSARY OF IRANIAN CONSTITUTION OF 1906

The SPEAKER pro tempore (Mr. KIRK). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 942.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 942, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, answered ''present'' 2, not voting 15, as follows:

[Roll No. 457]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Kucinich Paul

ANSWERED ''PRESENT''—2

Capuano Frank (MA)

NOT VOTING—15

Beauprez	Harris	Ney
Case	Herseth	Sabo
Cole (OK)	Keller	Sanders
Cubin	Kennedy (RI)	Strickland
Evans	Moore (KS)	Watson

□ 1320

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

PERSONAL EXPLANATION

Ms. HARRIS. Mr. Speaker, on rollcall No. 455, on Ordering the Previous Question Providing for consideration of the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the U.S., I am not recorded, due to travel delay. Had I been present, I would have voted ''aye.''

Mr. Speaker, on rollcall No. 456, on Agreeing to the Resolution providing for consideration of the bill (H.R. 4844), I am not recorded, due to travel delay. Had I been present, I would have voted ''aye.''

Mr. Speaker, on rollcall No. 457, on the Motion to Suspend the Rules and Agree to the Resolution Recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906, I am not recorded, due to travel delay. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably detained during three votes. Had I been present for rollcall vote No. 455, on ordering the previous question, I would have voted ''aye'';

Rollcall vote No. 456, on agreeing to H. Res. 1015, I would have voted ''aye''; and rollcall vote No. 457, on agreeing to H. Res. 942, I would have voted ''aye.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5450) to provide for the National Oceanic and Atmospheric Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Oceanic and Atmospheric Administration Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(3) The term ''Secretary'' means the Secretary of Commerce.

SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—There shall be in the Department of Commerce an agency known as the National Oceanic and Atmospheric Administration.

(b) MISSION.—The mission of the Administration is to understand the systems of the Earth's oceans and atmosphere and predict changes in the Earth's oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems to meet national economic, social, and environmental needs, and to educate the public about these topics.

(c) FUNCTIONS.—The functions of the Administration shall include—

(1) collecting, through observation and other means, communicating, analyzing, processing, and disseminating comprehensive scientific data and information about weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(2) operating and maintaining a system for the storage, retrieval, and dissemination of data relating to weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(3) using observational data and technologies developed by other Federal agencies to improve the Administration's operations;

(4) conducting and supporting basic and applied research, development, and technology transfer as may be necessary to carry out the mission described in subsection (b);

(5) issuing weather, water, climate, space weather, tsunami, and other forecasts and warnings related to Earth's oceans and atmosphere;

(6) coordinating efforts of Federal agencies with respect to meteorological services;

(7) understanding the science of Earth's climate and related systems, and undertaking research and development to enhance society's ability to plan for and respond to climate variability and change;

(8) protecting, restoring, and managing the use of, the coasts, oceans, and Great Lakes through ecosystem-based research, development, demonstration, and management;

(9) administering public outreach and education programs and services to increase scientific and environmental literacy about weather and climate, solar and geophysical events on the Sun and in the space environment, and the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(10) providing, as appropriate and in cooperation with the Secretary of State, representation at all international meetings and conferences relating to the mission of the Administration, including meteorological, climate, and Earth and ocean observing issues;

(11) any other function assigned to the Administration by law; and

(12) such other functions as are necessary to accomplish the mission described in subsection (b).

SEC. 4. ADMINISTRATION LEADERSHIP.

(a) ADMINISTRATOR.—

(1) IN GENERAL.—There shall be, as the Administrator of the Administration, an Under Secretary of Commerce for Oceans and Atmosphere. The Administrator shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be paid at the rate of basic pay for level III of the Executive Schedule.

(2) FUNCTIONS.—The Administrator shall be responsible for—

(A) general management;

(B) policy development and guidance;

(C) budget formulation, guidance, and execution;

(D) serving as the Department of Commerce official for all ocean and atmosphere issues with other elements of the Department of Commerce and with other Federal agencies, State, tribal, and local governments, and the public; and

(E) such other duties with respect to the Administration as the Secretary may prescribe.

(3) DELEGATION OF AUTHORITY.—The Administrator may, except as otherwise prohibited by law—

(A) delegate any functions, powers, or duties of the Administrator to such officers and employees of the Administration as the Administrator may designate; and

(B) authorize such successive redelegations of such functions, powers, or duties within the Administration as the Administrator considers necessary or appropriate.

(4) AUTHORITIES.—

(A) IN GENERAL.—As may be necessary or proper to carry out the Administration's functions under this Act or as otherwise provided by law, the Administrator may—

(i) promulgate rules and regulations;

(ii) enter into and perform contracts, leases, grants, and cooperative agreements with Federal agencies, State and local governments, Indian tribes, international organizations, foreign governments, educational institutions, nonprofit organizations, and commercial organizations;

(iii) use, with their consent, and with or without reimbursement, the services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government; and

(iv) conduct education and outreach in direct support of the mission described in section 3(b).

(B) EXCEPTION.—The authorities conferred on the Administrator by this paragraph do not include the authority to contract for services that are an inherently governmental function as defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

(b) ASSISTANT SECRETARY FOR OCEANS AND ATMOSPHERE.—

(1) IN GENERAL.—There shall be, as Deputy Administrator of the Administration, an Assistant Secretary of Commerce for Oceans and Atmosphere. The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be the Administrator's first assistant for purposes of subchapter III of chapter 33 of title 5, United

States Code. The Assistant Secretary shall be paid at the rate of basic pay for level IV of the Executive Schedule.

(2) FUNCTIONS.—The Assistant Secretary shall perform such functions and exercise such powers as the Administrator may prescribe and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(c) DEPUTY UNDER SECRETARY FOR OCEANS AND ATMOSPHERE.—

(1) IN GENERAL.—There shall, be as the Chief Operating Officer of the Administration, a Deputy Under Secretary of Commerce for Oceans and Atmosphere. The Deputy Under Secretary shall be appointed by the Secretary. The position of Deputy Under Secretary shall be a Senior Executive Service position authorized under section 3133 of title 5, United States Code.

(2) FUNCTIONS.—The Deputy Under Secretary—

(A) shall ensure the timely and effective implementation of Administration policies and objectives;

(B) shall be responsible for all aspects of the Administration's operations and management, including budget, financial operations, information services, facilities, human resources, procurements, and associated services;

(C) in the absence or disability of the Assistant Secretary, or in the event of a vacancy in such position, shall act in that position; and

(D) shall perform such other duties as the Administrator shall prescribe.

(d) DEPUTY ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION.—

(1) IN GENERAL.—There shall be in the Administration a Deputy Assistant Secretary for Science and Education who shall coordinate and oversee the science and education activities of the Administration and their application to Administration decisions and operations. The Deputy Assistant Secretary for Science and Education shall be appointed by the Secretary. The position of Deputy Assistant Secretary for Science and Education shall be a Senior Executive Service career reserved position as defined in section 3132(a)(8) of title 5, United States Code.

(2) FUNCTIONS.—The Deputy Assistant Secretary for Science and Education shall—

(A) coordinate research and development activities across the Administration;

(B) review the Administration's annual budget to ensure that funding for research and development is adequate, properly focused, and carried out by the appropriate entities across the Administration;

(C) advise the Administrator on how research results can be applied to operational use;

(D) advise the Administrator regarding science issues and their relationship to Administration policies, procedures, and decisions;

(E) participate in developing the Administration's strategic plans and policies and review the science and education aspects of those plans and policies;

(F) serve as liaison to the nongovernmental science community;

(G) develop and oversee guidelines for peer review of research sponsored or conducted by the Administration;

(H) oversee implementation of the strategic plan for research and development required under section 9(b);

(I) oversee management of laboratories in the Administration;

(J) oversee the research and education programs of the Administration; and

(K) perform such other duties as the Administrator shall prescribe.

(3) QUALIFICATIONS.—An individual appointed under paragraph (1) shall be a person who has an outstanding science and education background, including research accomplishments, scientific reputation, and public policy experience.

(4) CONSULTATION.—Before appointing an individual under paragraph (1), the Secretary shall consult with the National Academy of Sciences, the Science Advisory Board of the Administration, and other appropriate scientific organizations.

(e) DEPUTY ASSISTANT SECRETARIES.—There may be in the Administration no more than two additional Deputy Assistant Secretaries whose duties may be designated by the Administrator. The Deputy Assistant Secretaries shall be appointed by the Secretary. The positions of Deputy Assistant Secretaries shall be Senior Executive Service positions authorized under section 3133 of title 5, United States Code.

(f) GENERAL COUNSEL.—

(1) IN GENERAL.—There shall be in the Administration a General Counsel. The General Counsel shall be appointed by the Secretary. The General Counsel shall be paid at the rate of basic pay for level V of the Executive Schedule.

(2) FUNCTIONS.—The General Counsel—

(A) shall serve as the chief legal officer of the Administration for all legal matters that arise in connection with the conduct of the functions of the Administration; and

(B) shall perform such other functions and exercise such powers as the Administrator may prescribe.

(g) CONTINUATION OF SERVICE.—Any individual serving on the effective date of this Act in a position provided for in this Act may continue to serve in that position until a successor is appointed under this Act. Nothing in this Act shall be construed to require the appointment of a successor under this Act sooner than would have been required under law as in effect before the effective date of this Act.

SEC. 5. NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—The Secretary shall maintain within the Administration the National Weather Service.

(b) MISSION.—The mission of the National Weather Service is to provide weather, water, climate, tsunami, and space weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas for the protection of life and property and the enhancement of the national economy. In carrying out the mission of the National Weather Service, the Administrator shall ensure that the National Weather Service—

(1) provides timely and accurate weather, water, climate, tsunami, and space weather forecasts; and

(2) provides timely and accurate warnings of natural hazards related to weather, water, climate, and tsunamis, and of space weather hazards.

(c) FUNCTIONS.—The functions of the National Weather Service shall include—

(1) maintaining a network of local weather forecast offices;

(2) maintaining a network of observation systems to collect weather and climate data;

(3) operating national centers to deliver guidance, forecasts, warnings, and analysis about weather, water, climate, tsunami, and space weather phenomena for the Administration and the public;

(4) providing information to Federal agencies and other organizations responsible for emergency preparedness and response as required by law;

(5) conducting and supporting applied research to facilitate the rapid incorporation of weather and climate science advances into operational tools; and

(6) other functions to serve the mission of the National Weather Service described in subsection (b).

SEC. 6. OPERATIONS AND SERVICES.

(a) IN GENERAL.—The Secretary shall maintain within the Administration programs to support efforts, on a continuing basis, to collect data and provide information and products regarding satellites, observations, and coastal, ocean and Great Lakes information.

(b) FUNCTIONS.—To accomplish the mission described in section 3(b), and in addition to the functions described in section 3(c), the operations and service aspects of the Administration shall include—

(1) acquiring, managing, and operating coastal, ocean, and Great Lakes observing systems;

(2) contributing to the operation of a global Earth-observing system;

(3) integrating Administration remote sensing and in situ assets that provide critical data needed to support the mission of the Administration, and providing that data to decisionmakers and the public;

(4) developing, acquiring, and managing operational environmental satellite programs and associated ground control and data acquisition and delivery facilities to support the mission of the Administration;

(5) managing and distributing atmospheric, geophysical, and marine data and data products for the Administration through national environmental data centers;

(6) providing for long-term stewardship of environmental data, products, and information via data processing, storage, reanalysis, reprocessing, and archive facilities;

(7) issuing licenses for private remote sensing space systems under the Land Remote Sensing Policy Act of 1992;

(8) administering a national water level observation network, which shall include monitoring of the Great Lakes;

(9) providing charts and other information for safe navigation of the oceans and inland waters, as provided by law;

(10) maintaining a fleet of ships and aircraft to support the mission of the Administration; and

(11) such other operations and services functions to serve the mission of the Administration as the Administrator may prescribe.

SEC. 7. RESEARCH AND EDUCATION.

(a) IN GENERAL.—The Secretary shall maintain within the Administration programs to conduct and support research and education and the development of technologies relating to weather, climate, and the coasts, oceans, and Great Lakes.

(b) FUNCTIONS.—To accomplish the mission described in section 3(b), and in addition to the functions described in section 3(c), the research and education aspects of the Administration shall include—

(1) conducting and supporting research and development to improve the Administration's capabilities to collect, through observation and otherwise, communicate, analyze, process, and disseminate comprehensive scientific data and information about weather, climate, and the coasts, oceans, and Great Lakes;

(2) improving ecological prediction and management capabilities through ecosystem-based research and development;

(3) contributing information on the Earth's climate and related systems, obtained through research and observation, that addresses questions confronting policymakers, resources managers, and other users;

(4) reducing uncertainty in projections of how the Earth's climate and related systems may change in the future;

(5) fostering the public's ability to understand and integrate scientific information

into considerations of national environmental issues through education and public outreach activities;

(6) administering the National Sea Grant College Program Act;

(7) conducting and supporting research and development of technology for exploration of the oceans;

(8) maintaining a system of laboratories to perform the functions described in this subsection;

(9) supporting extramural peer-reviewed competitive grant programs to assist the Administration in performing the functions described in this subsection; and

(10) such other research, development, education, and outreach functions to serve the mission of the Administration as the Administrator may prescribe.

SEC. 8. SCIENCE ADVISORY BOARD.

(a) IN GENERAL.—There shall be within the Administration a Science Advisory Board, which shall provide such scientific advice as may be requested by the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, or the Committee on Science or on Resources of the House of Representatives.

(b) PURPOSE.—The purpose of the Science Advisory Board is to advise the Administrator and Congress on long-range and short-range strategies for research, education, and the application of science to resource management and environmental assessment and prediction.

(c) MEMBERS.—

(1) IN GENERAL.—The Science Advisory Board shall be composed of at least 15 members appointed by the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

(2) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once, and shall serve at the discretion of the Administrator. An individual serving a term as a member of the Science Advisory Board on the date of enactment of this Act may complete that term, and may be reappointed once for another term of 3 years unless the term being served on such date of enactment is the second term served by that individual. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(3) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the Board.

(4) APPOINTMENT.—Members of the Science Advisory Board shall be appointed as special Government employees, within the meaning given such term in section 202(a) of title 18, United States Code.

(d) ADMINISTRATIVE PROVISIONS.—

(1) REPORTING.—The Science Advisory Board shall report to the Administrator and the appropriate requesting party.

(2) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the Science Advisory Board.

(3) MEETINGS.—The Science Advisory Board shall meet at least twice each year, and at other times at the call of the Administrator or the Chairperson.

(4) COMPENSATION AND EXPENSES.—A member of the Science Advisory Board shall not be compensated for service on such board, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(5) SUBCOMMITTEES.—The Science Advisory Board may establish such subcommittees of its members as may be necessary. The Science Advisory Board may establish task forces and working groups consisting of Board members and outside experts as may be necessary.

(e) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Science Advisory Board.

SEC. 9. REPORTS.

(a) REPORT ON DATA MANAGEMENT, ARCHIVAL, AND DISTRIBUTION.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall do the following:

(A) Enter into an arrangement with the National Academy of Sciences to review the environmental data and information systems of the Administration and to provide recommendations to address any inadequacies identified by the review. The review shall assess the adequacy of the environmental data and information systems of the Administration to—

(i) provide adequate capacity to manage, archive and disseminate environmental information collected and processed, or expected to be collected and processed, by the Administration, including data gathered by other agencies that is processed or stored by the Administration;

(ii) establish, develop, and maintain information bases, including necessary management systems, which will provide for consistent, efficient, and compatible transfer and use of data;

(iii) develop effective interfaces among the environmental data and information systems of the Administration and other appropriate departments and agencies;

(iv) develop and use nationally accepted formats and standards for data collected by various national and international sources;

(v) integrate and interpret data from different sources to produce information that can be used by decisionmakers in developing policies that effectively respond to national and global environmental concerns; and

(vi) reanalyze and reprocess the archived data as better science is developed to integrate diverse data sources.

(B) Develop a strategic plan, with respect to the environmental data and information systems of the Administration, to—

(i) respond to each of the recommendations in the review conducted under subparagraph (A);

(ii) set forth modernization and improvement objectives for an integrated national environmental data access and archive system for the 10-year period beginning with the year in which the plan is transmitted, including facility requirements and critical new technology components that would be necessary to meet the objectives set forth;

(iii) propose specific Administration programs and activities for implementing the plan;

(iv) identify the data and information management, reanalysis, reprocessing, archival, and distribution responsibilities of the Administration with respect to other Federal departments and agencies and international organizations; and

(v) provide an implementation schedule and estimate funding levels necessary to achieve modernization and improvement objectives.

(2) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the initial review and strategic plan developed under paragraph (1). Subsequent reviews and strategic plans developed under paragraph (1) shall also be transmitted to those committees upon completion.

(b) STRATEGIC PLAN FOR RESEARCH AND DEVELOPMENT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall develop a strategic plan for research and development at the Administration. The plan shall include—

(A) an assessment of the science and technology needs of the Administration based on the Administration's operational requirements and on input provided by external stakeholders at the national, regional, State, and local levels; and

(B) a strategic plan that assigns specific programs within the administration the responsibility to meet each need identified under subparagraph (A) and that describes the extent to which each need identified in subparagraph (A) will be addressed through—

(i) intramural research;

(ii) extramural, peer-reviewed, competitive grant programs; and

(iii) work done in cooperation with other Federal agencies.

(2) NATIONAL ACADEMY OF SCIENCES REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences for a review of the plan developed under paragraph (1).

(3) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the initial strategic plan developed under paragraph (1) and the review prepared pursuant to paragraph (2). Subsequent strategic plans developed under paragraph (1) shall also be transmitted to those committees upon completion.

SEC. 10. PUBLIC-PRIVATE PARTNERSHIPS.

Not less than once every 5 years, the Secretary shall develop and submit to Congress a policy that defines processes for making decisions about the roles of the Administration, the private sector, and the academic community in providing environmental information, products, technologies, and services. The first such submission shall be completed not less than 3 years after the date of enactment of this Act. At least 90 days before each submission of the policy to Congress, the Secretary shall publish the policy in the Federal Register for a public comment period of not less than 60 days. Nothing in this section shall be construed to require changes in the policy in effect on the date of enactment of this Act.

SEC. 11. EFFECT OF REORGANIZATION PLAN.

Reorganization Plan No. 4 of 1970 shall have no further force and effect.

SEC. 12. SAVINGS PROVISION.

All rules and regulations, determinations, standards, contracts, including collective bargaining agreements, certifications, authorizations, appointments, delegations, results and findings of investigations, and other actions duly issued, made, or taken by or pursuant to or under the authority of any statute or executive order which resulted in the assignment of functions or activities to the Secretary, the Department of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, the Administrator, or any other officer of the Administration, that is in effect immediately before the date of enactment of this Act, shall continue in full force and effect after the effective date of this Act until modified or rescinded. All suits, appeals, judgments, and proceedings pending on such effective date relating to responsibilities or functions transferred pursuant to this Act shall continue without regard

to such transfers, except for the transfer of responsibilities or functions. Any reference in law to a responsibility, function, or office transferred pursuant to this Act shall be deemed to refer to the responsibility, function, or office as so transferred. Nothing in this Act shall be construed to limit the ability of an Administration employee to discuss scientific research performed by that employee. Nothing in this Act shall be construed to alter the responsibilities or authorities of any other Federal agency. Nothing in this Act shall be construed to authorize or prohibit the transfer of any program, function, or project from other Federal agencies to the Administration. Nothing in this Act shall be construed to expand, modify, or supersede the authority that the Administration has immediately before the date of enactment of this Act, nor to provide the Administration with any new regulatory authority. Nothing in this Act shall be construed to grant the Administrator any authority to construct, alter, repair, or acquire by any means a public building, as defined at section 3301 of title 40, United States Code, or to grant any authority to lease general purpose office or storage space in any building; and nothing in this Act shall be construed to diminish any authority the Administrator has immediately before the date of enactment of this Act to construct, alter, repair, or acquire by any means a public building, as defined at section 3301 of title 40, United States Code, or to diminish any authority the Administrator has immediately before the date of enactment of this Act to lease general purpose office or storage space in any building (regardless of whether those authorities are derived from laws, executive orders, rules, regulations, or delegations of authority from the Secretary of Commerce).

SEC. 13. REORGANIZATION PLAN.

(a) SCHEDULE.—(1) Not later than 18 months after the date of enactment of this Act, the Administrator shall develop a reorganization plan for the Administration in accordance with this section and shall publish the plan in the Federal Register. The Federal Register notice shall solicit comments for a period of 60 days.

(2) Not later than 90 days after the expiration date of the comment period described in paragraph (1), the Administrator shall transmit to Congress a revised version of the plan that takes into account the comments received. The Administrator shall also publish the revised plan in the Federal Register. The Administrator shall transmit and publish, along with the plan, an explanation of how the Administrator dealt with each issue raised by the comments received.

(3) The Administrator shall implement the plan 60 days after the plan has been transmitted to the Congress.

(b) CONTENT.—The plan, to the greatest extent practicable, shall—

(1) consistent with section 5 and the other provisions of this Act, maximize the efficiency with which the Administration carries out the functions of—

(A) operations and services;

(B) research and education; and

(C) resource management;

(2) improve the sharing of research and other information that is of use across programmatic themes; and

(3) eliminate duplication of effort or overlapping efforts among offices.

(c) CONSULTATION.—In developing the plan, the Administrator shall consult with interested parties, including the States, academia, industry, conservation organizations, and Administration employees.

SEC. 14. FACILITY EVALUATION PROCESS.

(a) PUBLIC NOTIFICATION AND ASSESSMENT PROCESS.—

(1) IN GENERAL.—The Administrator shall not close, consolidate, relocate, subdivide, or establish a facility of the Administration, unless and until the Administrator has followed the procedures required by this section.

(2) REVIEW PROCESS.—The Administrator shall not close, consolidate, relocate, subdivide, or establish a facility of the Administration with an annual operating budget of $5,000,000 or greater, or a National Weather Service field office, unless and until—

(A) the Administrator has published in the Federal Register the proposed action and a description of the offices, personnel, and activities of the Administration that would be affected by the proposed change, and has provided for a minimum of 60 days for public comment;

(B) if the proposed change involves a science facility of the Administration, the Science Advisory Board has reviewed the proposed change and provided to the Administrator written findings regarding the proposed change;

(C) if the proposed change involves a National Weather Service field office, the Administrator has prepared a report including—

(i) a description of local weather characteristics and weather-related concerns which affect the weather services provided within the service area;

(ii) a detailed comparison of the services provided within the service area and the services to be provided after the proposed change;

(iii) a description of any recent or expected modernization of National Weather Service operations which will enhance services in the service area;

(iv) an identification of any area within any State which would not receive coverage (at an elevation of 10,000 feet) due to the proposed change; and

(v) evidence, based on operational demonstration of National Weather Service operations, which was considered in reaching the conclusion that no degradation in service will result from the proposed change;

(D) the Administrator has prepared an analysis of the anticipated costs and savings associated with the proposed facility change, including both costs and savings in the first fiscal year following the change, and changes in operations and maintenance costs and savings over a ten-year period; and

(E) the Administrator has prepared an analysis of the effects of the facility change on operations and research of the Administration, and the potential impacts on cooperative institutes, other external Administration partnerships, partnerships with other Federal agencies, and any State and local partnerships.

(3) NOTICE TO CONGRESS.—(A) The Administrator shall provide to Congress, at least 90 days before any closure, consolidation, relocation, subdivision, or establishment of a facility of the Administration with an annual budget of $5,000,000 or greater, or any National Weather Service field office, a summary of the public comments received pursuant to paragraph (2)(A), any written findings prepared under paragraph (2)(B), any report prepared under paragraph (2)(C), and the analyses prepared under paragraph (2)(D) and (E).

(B) The Administrator shall provide to Congress, at least 90 days before any closure, consolidation, relocation, subdivision, or establishment of a facility of the Administration not described in subparagraph (A), written notification of the planned closure, consolidation, relocation, subdivision, or establishment.

(b) WEATHER SERVICE MODERNIZATION.—Nothing in this Act shall be construed to alter the Weather Service Modernization Act (15 U.S.C. 313 note).

(c) DEFINITION.—For purposes of this section—

(1) the term ''facility'' means a laboratory, operations office, administrative service center, or other establishment of the Administration; and

(2) the term ''field office'' has the same meaning given that term in section 702 of the Weather Service Modernization Act.

SEC. 15. BUDGET REPROGRAMMING.

Whenever the Administrator transmits a budget reprogramming request to the Appropriations Committees of the House of Representatives and the Senate, the Administrator shall simultaneously submit a copy of the request to the Committee on Science and the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 16. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—The Administration shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(C) the program complies with all relevant policies, regulations, and directives of the Administration.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Annually, at the same time as the President's annual budget submission to the Congress, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which the Administration proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay, or the actions described under subparagraph (B), will have on any other program within the Administration; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

The Administration shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation;

(2) the term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000.

SEC. 17. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

(a) CONVERSIONS TO CONTRACTOR PERFORMANCE OF ADMINISTRATION ACTIVITIES.—Except as provided in subsection (c), an activity or function of the Administration that is converted to contractor performance under Office of Management and Budget Circular A-76 may not be performed by the contractor or any subcontractor at a location outside the United States.

(b) CONTRACTS FOR THE PROCUREMENT OF SERVICES.—(1) Except as provided in subsection (c), a contract for the procurement of goods or services that is entered into by the Administrator may not be performed outside the United States unless it is to meet a requirement of the Administration for goods or services specifically at a location outside the United States.

(2) The President may waive the prohibition in paragraph (1) in the case of any contract for which the President determines in writing that it is necessary in the national security interests of the United States for goods or services under the contract to be performed outside the United States.

(3) The Administrator may waive the prohibition in paragraph (1) in the case of any contract for which the Administrator determines in writing that essential goods or services under the contract are only available from a source outside the United States.

(c) EXCEPTION.—Subsections (a) and (b)(1) shall not apply to the extent that the activity or function under the contract was previously performed by Federal Government employees outside the United States.

(d) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The provisions of this section shall not apply to the extent that they are inconsistent with obligations of the United States under international agreements.

SEC. 18. RECORDKEEPING AND REPORTING REQUIREMENT.

The Administrator shall transmit to Congress, not later than 120 days after the end of each fiscal year beginning with the first fiscal year after the date of enactment of this Act, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by the Administration from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5450, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5450, as amended by the Science Committee. H.R. 5450, the National Oceanic and Atmospheric Administration Act, is an organic act for NOAA. An organic act defines the overall mission and function of an agency.

In 1970, President Nixon established NOAA in the Department of Commerce by executive order. Since that time, Congress has not passed an organic act for NOAA, and today NOAA's authorities come from over three dozen issue-specific laws.

Some years ago I decided this was an intolerable situation, and we began work on an organic act. In 2004, the U.S. Commission on Ocean Policy, a nonpartisan group of the Nation's leading ocean experts, recognized this lack of congressional direction for NOAA as an impediment to the agency's vital legislative role.

The Commission strongly recommended that Congress pass a NOAA organic act. We in Congress need to provide NOAA and its employees clear direction and the tools they require to perform critical missions and functions that affect the everyday lives of all Americans, including weather forecasts and storm warnings from the National

Weather Service and alerts from the National Ocean Service about dangerous conditions such as toxic algae blooms or even tsunamis.

In response to this need, I introduced the National Oceanic and Atmospheric Administration Act. My bill gives NOAA a clear mission so it can more effectively set program goals. For example, my bill states that the mission of NOAA is to first understand and predict changes in the Earth's oceans and atmospheres, conserve and manage coastal, ocean and Great Lakes ecosystems, and educate and inform our fellow citizens about these topics.

H.R. 5450 then directs NOAA to reorganize so it can more efficiently accomplish this mission. Based on recommendations of the U.S. Commission on Ocean Policy, my bill establishes NOAA within the Department of Commerce and requires NOAA to restructure so it may improve the way it carries out the critical functions of operations and services, research and education, and resource management.

In addition, H.R. 5450 strengthens science at NOAA by creating a new Deputy Assistant Secretary for Science and Education, authorizing a science advisory board, requiring a National Academies' assessment of the agency's data and information systems, and directing NOAA to develop a strategic plan for its research programs.

Valuable input from my colleagues on the Science Committee from both parties further strengthened congressional oversight provisions of H.R. 5450, and the bill now includes a provision to ensure that NOAA does not get in over its head with large programs such as building weather satellites.

This provision requires NOAA to use more streamlined and transparent cost baselines for major programs, and to notify Congress when there are significant cost increases or schedule delays in major procurement programs.

Passage of an organic act for NOAA is a top priority for both the U.S. Commission on Ocean Policy and the privately funded Pugh Ocean Commission.

The administration, States, and numerous advocacy groups have also expressed support for the NOAA organic act. H.R. 5450 has widespread and bipartisan support. The bill incorporates ideas from a range of experts and from Members on both sides of the aisle. Everyone recognizes this bill is not a complete organic act because it omits issues solely in the jurisdiction of the House Resources Committee.

Mr. Speaker, I believe we all share the goal of seeing a complete bill. I thank all of my colleagues who contributed to this bill as well as those who continue to express support. In particular I want to thank Mr. UDALL. He was a ranking member of my subcommittee when we first started working on this bill.

I also want to thank Mr. WU, the current ranking member of my subcommittee, and Mr. GORDON, the ranking member of the full committee, for their help and input throughout the process.

Additionally, I thank Mr. GILCHREST who has been an outstanding leader on ocean issues and an original cosponsor of this bill, and he has been invaluable with his input. Finally I would especially like to thank Chairman BOEHLERT, also an original cosponsor, for his unwavering support and commitment to moving this bill through the process. Chairman BOEHLERT has long been a strong champion for the sciences and science-based decision making envisioned in H.R. 5450, and we will greatly miss his leadership on these issues.

H.R. 5450 will make NOAA stronger and more capable of doing its job to keep us safe, understand our environment, and manage our coastal and marine resources.

This bill is an important step forward for ocean issues. And I look forward to continuing to work with my colleagues here in the House and in the Senate to get a final bill that is clear, well balanced and complete. I urge my colleagues to support H.R. 5450

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, the NOAA Organic Act, is a product of diligent work of the Science Committee and the gentleman from Michigan.

Representative EHLERS has been a tireless champion of this legislation. H.R. 5450 maintains the National Weather Service as a distinct office within NOAA. The National Weather Service, with its nationwide distribution of local forecast offices, is one of the best known and most trusted organizations within NOAA.

The public relies upon the weather service to provide the watches and warnings of severe storms that enable us to prepare for those events and reduce the loss of lives and property.

In the area of satellite acquisition, we are requiring the administrator of NOAA to notify Congress whenever a satellite acquisition deviates substantially from its projected cost and schedule.

H.R. 5450 establishes a process of review and revision for satellite acquisition programs to avoid future problems of runaway cost and schedule delays. Chairman BOEHLERT and Chairman EHLERS worked with us to produce this legislation. We did not always agree, but we often agreed, and the bipartisan cooperation between the members of this committee produced a good outcome for the program.

Unfortunately, the Resources Committee failed to conduct a similar process. H.R. 5450 provides virtually no direction for the ocean and coastal resources programs of the agency.

□ 1330

I know this is a disappointment to the many Members of Congress who were hoping to see some of the recommendations of the 2004 Ocean Commission's report incorporated into this legislation. This is truly a missed opportunity. We have little time left in this Congress. Perhaps the other body will be able to work cooperatively to fill in the gaps of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 5450. Virtually every group that has looked at ocean issues has concluded that the National Oceanic and Atmospheric Administration would be able to function better if it had a clear basis in law. That is what this bill, an organic act, would provide. It would give this key science agency, which was created by executive order, a firm legal basis for its full range of activities and responsibilities. That is hard to argue with.

The bill, which was introduced by Dr. EHLERS, who has been its tireless champion, would also strengthen science at NOAA, pretty darn important, which makes sense, since NOAA is a major science agency. The bill also would greatly improve oversight of the agency by ensuring that Congress and the public get the information needed to evaluate NOAA's organizational structure, its facilities plan, its budgeting and its satellite programs.

As usual, this bill is the result of bipartisan cooperation on the Science Committee, and I am very proud of that. I commend my colleagues on both sides of the aisle for their hard work on this legislation.

We obviously have more work to do before this bill is enacted, including work with our colleagues who have jurisdiction over NOAA's resource management programs, such as fisheries. We want an organic act that covers all of NOAA's activities.

But this is a good start, a solid bill that will strengthen the agency, which will only improve the important services NOAA provides to our citizens. I urge my colleagues to support H.R. 5450. Once again, let me commend Dr. EHLERS for his leadership on this very important issue, and let me commend the minority side for their outstanding cooperation and, in many instances, their leadership too.

Mr. GORDON. Mr. Speaker, we are all part of our districts, and we all think that our districts are one of the prettiest places in the world. Just one of us represents a little prettier place than the rest of us.

Mr. Speaker, I yield 2 minutes from the man from Monterey, Big Sur, Pebble Beach, and a great deal of Highway No. 1, and that is the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for that kind yielding.

Mr. Speaker, I rise for a good ''half a bill.'' This deals with NOAA, also

known as the National Oceanic and Atmospheric Administration. But this bill drops the ''O'' for oceanic and becomes a NAA bill. That is because the Resources Committee that has jurisdiction over oceans failed to deal with this bill. It has failed to deal with the President's Commission on Oceans, has failed to address any of this in the last years and has failed to address the need for oceans in this bill.

So the Science Committee had no choice but to bring you the NAA bill. I am going to vote ''yea'' on NAA because it has a good bipartisan leadership, and it comes from a Science Committee that understands that the Planet Earth needs oceans in order to create weather, and this bill on oceans becomes unadminsterable. Thank goodness for bipartisan, bicameral legislation, because this bill will not see the light of day without oceans having a great part of it.

The other side is that with NOAA, the problems that we see here in Congress, are created in the oceans, fisheries and so on, and we have not been funding the ocean side of it. There is international law of the sea, there are international oceans, years, there are all kinds of commissions and groups supporting oceans, yet Congress fails to address it. I commend the bipartisan leadership of getting NOAA in an organic act, but I wish they would include the oceans

Mr. EHLERS. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from California.

I am in wholehearted agreement with his sentiments. I want to see a complete bill. The bill before us is a good bill. It deals with the physical sciences portion of NOAA. It has taken us almost 6 years to create this bill, work out all the details with all interested parties, including both political parties. It is a good bill, but it will be improved when we get the oceans portion.

I would hope that we can do it yet before the end of the year. If not, I will pledge to the gentleman from California, and anyone else, I will be happy to continue working on achieving that goal.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), who has been invaluable in addressing oceans issues in this particular body.

Mr. GILCHREST. I thank the gentleman for yielding.

Mr. Speaker, I would like to speak to a couple of items here. One, to the gentleman from California, Mr. FARR, as far as who has the prettiest district in the country, I would like to invite Mr. FARR from California to ply the placid waters of the Sassafras River and enjoy either a dawn or sunset in a canoe as we go past the marsh and beautiful forested areas along the coastal Chesapeake Bay. He just accepted my invitation, so I appreciate that.

I also have some understanding of where Mr. FARR comes from, as far as dealing with the organic act and the National Oceanic and Atmospheric Administration, including what we can call the wet side and the dry side of NOAA. As we move forward with this legislative agenda and this process with the bill that Mr. VERN EHLERS brings to us today, I want to say two things as far as this bill is concerned.

Number one, Mr. EHLERS has not only worked for 6 years on this issue, Dr. EHLERS has worked 10 years on the idea that the National Oceanic and Atmospheric Administration that was created by executive order in 1970 by President Richard Nixon needs, as Mr. BOEHLERT defined, a specific direction and order prescribed by the U.S. Congress, so that it has a definitive, objective goal that Members of Congress can pursue a specific oversight agenda for. Dr. EHLERS has worked very strongly with both sides of the aisle to bring this bill before us today.

Now, there is a small piece that we can add to this as the process continues, as Dr. EHLERS said. We will add the fisheries and the oceans side of NOAA as we move along. But this bill before us today is a piece of legislation that provides the direction that Congress needs to set goals and be a part of the agenda of an administration to ensure that the Nation has the kind of satellites to give us the kind of weather reports that will enhance local reporting and save literally billions of dollars on our understanding of weather patterns, of hurricanes and things of that nature. It also has an understanding of the coastal ecology in this particular part of the bill.

What this bill does, and we will include as soon as we can the oceans part of this bill, but what this bill does is literally recognize that there are trillions of dollars tied up in satellite communication, in the private sector communication of satellites, and a whole host of other areas that will give us an understanding of marine research, of how the oceans affect the climates.

I urge my colleagues, as we move along in this process, this bill that Dr. EHLERS, in a bipartisan fashion, has brought to the House floor today be voted on.

Mr. GORDON. We have no speakers at this time. I don't yield back my time, but I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman from Tennessee. I will, first of all, enter the sweepstakes for the most beautiful place in the United States and invite everyone to the western coast of Michigan on the Great Lakes of Lake Michigan.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thought the chairman was going to speak about Florida when he spoke about the most beautiful place in the country.

Mr. Speaker, I rise in strong support of H.R. 5450 introduced by Chairman EHLERS, who has done a great deal in bringing this bill forward. I think we all know what this bill does: establishes under law NOAA, within the Department of Commerce, and provides a leadership structure and an organization for NOAA and establishes, obviously, NOAA's mission and functions.

I represent and live, am blessed to live and represent a peninsula, an area that is greatly affected by weather, whether it is in the oceans or whether it is by storms. NOAA, as we all know, includes many important agencies, including the National Weather Service, the National Marine Fisheries Service and also the National Hurricane Center. All of those areas are of great interest to the citizens of the State of Florida, and impact, their work impacts the economy and citizens of Florida.

South Floridians consistently rely on NOAA and on the National Hurricane Center for information, particularly, again, during this time of the year. Year after year the hurricane center has served as a trusted voice during a storm and maintains a continuous watch on the weather around the world. It issues warnings and watches and forecasts and analyzes the weather to make sure that it can stay in front of the technology so that it continuously does a better job in forecasting storms.

Very few agencies around the country can say that their work is indispensable in actually saving lives, and the weather center is one of those.

There are so many oceanic and academic and environmental groups that have expressed support for this legislation. I want to thank the chairman for bringing this bill forward. I want to thank him for his effort. I urge all of my colleagues to support this fine piece of legislation.

Mr. EHLERS. Mr. Speaker, if the other side has no further speakers, I am prepared to close.

Mr. GORDON. Mr. Speaker, we have no other speakers. We yield back the balance of our time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to note that NOAA reaches into the lives of nearly every citizen of this country, from the weather forecasts that people use to decide if they need an umbrella, or if they have to go to the basement to avoid a tornado, to the safety of our seafood and drought predictions of the way we grow our food and manage our reservoirs. This bill will give NOAA the tools and directions they need to continue to serve our Nation in the coming decades, and I look forward to their continued progress.

Very few people realize the importance of NOAA and how it affects their lives. They take the weather forecast for granted. In fact, many are unaware that the information that comes over the radio or as seen on television is provided by NOAA. I recall the famous case of someone who said we should stop funding NOAA because they get

more information from their TV broadcast than they do from the National Weather Service, failing to recognize the important work that NOAA does.

This bill will give NOAA the tools and direction they need to continue to serve our Nation in the coming decades and to meet the challenges of the future. I look forward to the continued progress in NOAA.

Let me mention one other side issue. Just last week we had the Mark Trail program in the Cannon Office Building where awards were given for people who are making use of the automatic weather warning system. I don't know if Members are aware of it, but you can buy a simple little radio to keep at your bedside, as I do. If there are any weather alerts during the night when we are sleeping and don't hear the sirens, the radio will wake us up and give us the alert. Every American should have that, just as every American should have a fire alarm or smoke detector in their home.

Let me take just a moment to thank the Science Committee staff who worked so hard over an almost 6-year period to make this bill possible. David Goldston, chief of staff of the Science Committee; Amy Carroll, staff director for the subcommittee I chair; Chad English, heavily involved in this issue; Sara Gray and Jason Patlis, as well as Eric Webster. Sara is present here also. She provided legal services. Jason is one of the new leaders of the Science Committee staff. Eric Webster, was invaluable in starting the research on and writing of this bill; unfortunately, he did it so well and learned so much about NOAA that they hired him, and we lost him.

Without the hard work of all of these staff members, their selfless dedication, and many long hours, we would not be here considering this bill.

Finally, I would also like to recognize Mr. GORDON's staff, who worked so closely with us throughout the process. They were invaluable in helping us perfect the bill, and we all worked with a good spirit of cooperation, and even the committee action on this bill was marked by agreement on the importance of the issue.

I urge all of my colleagues to vote for H.R. 5450, as amended.

Mr. PALLONE. Mr. Speaker, I rise to express my serious concerns about the process and manner by which this legislation has arrived on the House floor today.

The fact of the matter is that despite the laudable work that the Science Committee has done to develop legislation codifying the National Oceanic and Atmospheric Administration, this bill represents only half of what we need to develop a real organic act for the agency.

The Republican leadership has chosen to bring H.R. 5450 to the floor without the Resources Committee taking any action on its sequential referral. While the Science Committee's bill deals with the atmospheric or so-called ''dry'' side of NOAA, the Resources Committee has jurisdiction over ocean and coastal programs, known as the ''wet'' side.

This inaction is further evidence that when it comes to protecting our oceans, the House Republican leadership and the Resources Committee majority have nothing to show for themselves.

Mr. Speaker, in 2003 the Pew Oceans Commission put out a comprehensive report telling us that our oceans were in serious trouble. Many on the other side of the aisle disparaged the report. But a year later, the Congressionally chartered U.S. Commission on Ocean Policy released a separate report and came to the same basic conclusion—that our oceans are in peril from degraded waters, compromised resources, and conflicts between man and nature—and that immediate action is needed to restore the environment and protect our ocean and coastal related economy. They laid out some pretty pointed and thoughtful recommendations for Congress.

Two years later, however, the House and the Resources Committee have done virtually nothing in response to these recommendations. Rather than developing a cohesive, bipartisan strategy to evaluate the Commission's recommendations, they have effectively blocked meaningful oversight on oceans issues.

The Subcommittee on Fisheries and Oceans has held exactly one hearing on the US Ocean Commission's recommendations. Neither the Subcommittee nor the full Resources Committee have done anything to take serious action on the report's findings despite repeated requests from myself and others.

Today, in the face of the Resources Committee's disinterest in oceans issues and its inability to report its own version of H.R. 5450, we are now forced to consider a bill that may be well intentioned, but is nonetheless seriously flawed.

The truth is we have wasted the past two years when we should have taken action. Our oceans are a tremendous resource for this nation. Fishermen, beachgoers, coastal business owners, and many others in my district know this. They expect me and other members of Congress to be working on the problems facing our oceans, and I agree. Rather than passing half a bill, we should be taking serious action in response to ocean commission recommendations.

Mr. Speaker, members might vote for this bill because they support NOAA and want to move forward on an organic act. But no one should be fooled into thinking that the House has properly done its work to address the recommendations of the Ocean Commission.

Mr. SAXTON. Mr. Speaker, I rise today in support of H.R. 5450—the National Oceanic and Atmospheric Administration Act.

During the more than 20 years I have been in Congress, I have made it a priority to promote the protection of our oceans and effective conservation and management of our living marine resources. From protecting coastal wetlands to cleaning up our estuaries to promoting sustainable fisheries to preventing ocean pollution—all have been priorities during my tenure in Congress. We have accomplished a great deal but, as highlighted by the more than 200 reconmendations contained in the U.S. Commission on Ocean Policy report, much remains to be done.

NOAA was created by an Executive Order in 1970, but has never been formally authorized. Both the U.S. and Pew Ocean Commissions argued strongly for an organic statute for NOAA. A comprehensive organic act will significantly strengthen the agency by providing a clear mandate from Congress to the nation's lead civilian agency for oceans and atmosphere.

An organic statute is needed to codify and strengthen NOAA and thereby enhance its mission, improve its structure, and better enable it to carry out existing and new responsibilities in a manner that is consistent with ecosystem-based management.

H.R. 5450 represents real progress toward strengthening NOAA and is an important first step in developing the comprehensive mandate NOAA requires.

I look forward to working with Chairman EHLERS and colleagues to develop the additional provisions needed to incorporate guidance on fishery management, coastal zone management, ocean imapping and charting, and other resources-related issues. Such provisions are essential if NOAA is to effectively carry out the host of ocean-related activities essential to our nation's economic and environmental interests. Nevertheless, the bill in its current form represents a welcome effort to address a major hurdle that impedes the federal government's ability to effectively govern our oceans, coasts, and Great Lakes.

Passage of H.R. 5450 will send a clear signal that the health and productivity of our nation's oceans are a priority to the U.S. House of Representatives. I commend Chairman EHLERS for his leadership on this issue and I urge mny colleagues to support H.R. 5450.

Mr. CALVERT. Mr. Speaker, I want to commend Mr. EHLERS and his Subcommittee for its excellent oversight of the National Oceanic and Atmospheric Administration, NOAA, Within the Department of Commerce. The agency was established originally as a part of the Department of Commerce by Executive Order in 1970. NOAA has operated under Executive Order for 36 years now. However, with no legislative ''organic act'' NOAA was restrained from taking a real leadership role in national oceanic and atmospheric policy.

This legislation sets up guidelines and oversight of programs as any authorizing legislation should do for a Federal agency. NOAA now will: have a defined leadership structure and organization; defined missions and authorities; provide strategic plans to the Congress; and be able preserve current NOAA rules and regulations within its legal structure.

I realize that the legislation has been 2 years in the making and that the other body has yet to act, but this is exactly what an authorizing committee ought to be doing exercising its oversight powers. I commend Chairman EHLERS, and Ranking Democrat WU your persistence in pursuing the goal of passing the legislation.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1345

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 5450, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL ELECTION INTEGRITY ACT OF 2006

Mr. EHLERS. Mr. Speaker, pursuant to House Resolution 1015, I call up the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1015, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Election Integrity Act of 2006''.

SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)) is amended—

(1) in the heading, by striking ''FOR VOTERS WHO REGISTER BY MAIL'' and inserting ''FOR PROVIDING PHOTO IDENTIFICATION''; and

(2) by striking paragraphs (1) through (3) and inserting the following:

''(1) INDIVIDUALS VOTING IN PERSON.—

''(A) REQUIREMENT TO PROVIDE IDENTIFICATION.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

''(i) a government-issued, current, and valid photo identification; or

''(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

''(B) AVAILABILITY OF PROVISIONAL BALLOT.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless the individual presents the identification required under subparagraph (A) to the official not later than 48 hours after casting the provisional ballot.

''(2) INDIVIDUALS VOTING OTHER THAN IN PERSON.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot—

''(i) a copy of a government-issued, current, and valid photo identification; or

''(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a copy of a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

''(B) EXCEPTION FOR OVERSEAS MILITARY VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6(1)), other than an individual described in section 107(1)(C) of such Act.

''(3) SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.—For purposes of paragraphs (1) and (2)—

''(A) an identification is 'government-issued' if it is issued by the Federal Government or by the government of a State; and

''(B) an identification is one for which an individual was required to provide proof of United States citizenship as a condition for issuance if the identification displays an official marking or other indication that the individual is a United States citizen.''.

(b) CONFORMING AMENDMENTS.—Section 303 of such Act (42 U.S.C. 15483) is amended—

*(1) in the heading, by striking ''**FOR VOTERS WHO REGISTER BY MAIL**'' and inserting ''**FOR PROVIDING PHOTO IDENTIFICATION**''; and*

(2) in subsection (c), by striking ''subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)'' and inserting ''subsection (a)(5)(A)(i)(II)''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 303 to read as follows:

''Sec. 303. Computerized statewide voter registration list requirements and requirements for providing photo identification.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

(2) CONFORMING AMENDMENT.—Section 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is amended to read as follows:

''(2) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.—Paragraphs (1) and (2) of subsection (b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.''.

SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.

(a) REQUIRING STATES TO MAKE IDENTIFICATION AVAILABLE.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by section 2(a)(2), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

''(A) IN GENERAL.—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the State but who do not otherwise possess a government-issued photo identification.

''(B) IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.—If a State charges an individual a fee for providing a photo identification under the program established under subparagraph (A)—

''(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and

''(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

''(C) IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections.''.

(b) PAYMENTS TO STATES TO COVER COSTS.—Subtitle D of title II of such Act (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

''PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

''SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.

''(a) PAYMENTS TO STATES.—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to afford the fee that would otherwise be charged under the program.

''(b) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this part for any year shall be equal to the amount of fees which would have been collected by the State during the year under the program established under section 303(b)(4) but for the application of section 303(b)(4)(B)(ii), as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

''SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for payments under this part such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to subtitle D of title II the following:

''PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

''Sec. 297. Payments to cover costs to States of providing photo identifications for voting to indigent individuals.

''Sec. 297A. Authorization of appropriations.''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect October 1, 2007.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4484, the Federal Election Integrity Act of 2006, and ask all my colleagues to support this important bill.

This bill will require presentation of a government-issued photo ID to vote

in Federal elections, effective November 2008. Though most of the voting public already has an ID that can meet this requirement, there is a percentage of eligible voters who do not have an ID, so these extra 2 years will give them time to acquire it.

To ensure that only citizens are voting, the amendment will require presentation by 2010 of an ID that could not have been obtained without providing proof of citizenship. Once obtained, this ID can be used to prove both citizenship and identity when voting.

This Congress has previously enacted the REAL ID Act which will require people to prove their legal status in the country to get a REAL ID. That act has to be implemented by May 2008. Citizens will be able to use the IDs they obtain under this process to vote in elections starting in 2010 and for all elections thereafter. H.R. 4844 will require the ID to include some indicia of citizenship, so poll workers and other election officials will be able to tell that the bearer is a citizen.

Those who arrive at the polls without an ID will be permitted to cast a provisional ballot. These ballots will be counted if the person returns and presents to an election official a qualifying ID within 48 hours. To help those who need but cannot afford the ID to vote, the amendment requires States to provide them free of cost to the indigent and authorizes funds to reimburse States for the cost of doing so.

To most people this proposal is a simple, commonsense proposal and a necessary safeguard against vote fraud. To others it represents a dangerous threat to some citizens' ability to access the polls. While this debate may be heated in Washington, D.C., it seems the American people have made up their mind. A recent NBC-Wall Street Journal poll showed that 81 percent of those surveyed favored an ID requirement for voting. A Rasmussen poll during that same time period showed a similar result. Seventy-seven percent surveyed favored an ID requirement for voting.

Likewise, the bipartisan Carter-Baker Commission on Federal Election Reform recommended a national voter ID requirement in the report they issued last year. While the division on this issue may be partisan here in Congress, it certainly was not on this bipartisan commission. It seems a large bipartisan majority there concluded by an 18–3 vote that requiring ID is a necessary reform.

Once implemented, H.R. 4844 will put an important safeguard in place that will enhance the integrity of our system and help restore confidence in it. By putting in place procedures that ensure voting is limited to eligible citizens, we can encourage participation and increase turnout.

The experience in Arizona is instructive here. Despite all the claims that disenfranchisement would ensue after the enactment of the proof of citizenship and ID requirements in Proposition 200, testimony in Phoenix revealed that registration went up 15 percent after the requirement to prove citizenship went into effect. The fact is, people are encouraged to vote when they believe their vote will count and know that their vote will not be canceled out by an illegal vote.

I know there will be some who oppose the action we will take today, and there will be some controversy generated by the proposal. I wish it were not so. It seems we should all be able to agree that voting should be limited to citizens of the United States, because that has been the law for years. If we can agree on that, we should be able to agree that our voting systems must have procedures in place to ensure that.

We should all be able to agree that every eligible citizen should be able to vote, should be encouraged to vote, to vote only once, and to be assured that their vote will not be diluted by an illegal vote. If we agree on that, we should be able to agree that making people identify themselves when they vote is a simple and necessary safeguard.

It was not always so. I grew up in a small town, Edgerton, Minnesota, with 800 people. They did not need photo IDs. They knew everyone in town. If a stranger had showed up to vote, he would have been ushered out of the hall. But today we live in urban cities, by and large. We do not know each other well, and we need some means of foolproof identification.

I am sure that we will hear from the other side of the aisle today that an ID requirement is not necessary and is too much trouble. But every day millions of Americans show a photo ID to pay by check, board a plane or buy alcohol or tobacco. Surely the sanctity of the ballot warrants as much protection as these other activities.

In too many States, lax identification requirements mean people can cast votes without ever having to prove their eligibility. Our voting rights are too important to rely on an honor system. We need to make sure we have procedures in place that protect the right to vote and make sure only eligible citizens are able to do so.

I hope all Members will recognize the need for these necessary reforms. They will advance the security of our electoral systems, increase confidence in their integrity and reduce the opportunities for fraud. I ask all Members to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I never thought as a girl growing up in Birmingham, Alabama, that I would meet, again, a present-day poll tax. My goodness. My father would be really amazed.

Therefore, I rise today in strong opposition to H.R. 4844, the so-called Federal Election Integrity Act of 2006, which requires all States to demand that voters provide government-issued identification in order to vote in the 2008 election and proof of citizenship in order to vote in the 2010 election.

The Republican Party has acted without expressing any concern for the millions of American citizens who currently do not have the necessary documentation and consequently will be denied their right to vote. Further, the majority has not been moved by the realization that the burden of this legislation falls disproportionately on the elderly, the disabled, and ethnic minorities. Unfortunately, the Republicans made no effort to determine how many would be affected and be disenfranchised by this legislation.

Mr. Speaker, with H.R. 4844, this Republican legislation devises a modern-day poll tax in the form of a proof of citizenship requirement that will keep some eligible voters from voting and make it harder for all American citizens to vote. No citizen should have to pay in order to exercise his or her constitutional right to vote.

I have heard today on this Floor that President Carter's and Secretary of State Baker's reference to IDs fit within the intent of this bill. Allow me to clarify this assertion. Their ID proposal does not have requirements for citizenship, and they wish that everyone, not just those who can not afford IDs, possess them free of charge. They have not endorsed this piece of legislation.

Proof of citizenship requirements place on the voter the difficult, time-consuming and costly burden of obtaining the necessary documentation to prove citizenship or identity in order to cast a vote. For example, our State Department reports that only 23 percent of all Americans possess a passport, and the cost of obtaining one exceeds $100. A majority of Americans do not currently possess the identification required by H.R. 4844, and requiring them to obtain one imposes an unconstitutional burden on their right to vote.

Additionally, some Americans may be unable to acquire the necessary documents at any cost because they lack a birth certificate. We recognize that there are many minorities, especially African Americans, who were delivered by midwives, who did not have and do not have a birth certificate. There are some rural Americans who do not have birth certificates. We recognize that the State of Georgia indicates that 40 percent of their seniors would be denied their right to vote if this piece of legislation passes.

I believe, Mr. Speaker, that the Help America Vote Act, HAVA, strikes the appropriate balance between voter-ballot access and system-ballot integrity, and it was accomplished with bipartisan effort. The Committee on House Administration worked tirelessly to enact HAVA as a solution to the problems associated with the November 2000 general election. As a result of HAVA, $3.1 billion was appropriated to

the States to improve the voting process. My alternative calls for the $800 million in shortfall funding to ensure full funding of HAVA.

The question of citizenship was directly addressed head on in HAVA whereby Congress mandated that the mail-in registration form includes a box that asks the question, ''Are you a citizen of the United States of America?'' If you answer no, your form is rejected automatically. If you answer yes, and you are discovered not to be a citizen, you are subject to Federal prosecution.

Mr. Speaker, we have laws on the books that if someone votes illegally, he or she will be prosecuted to the fullest extent of the law. The penalties are stiff and have successfully served as a deterrent to misrepresentation.

The voter ID question was asked and answered by HAVA. HAVA provided a broad range of ID options for the narrow circumstances of first-time voters who register by mail or appear in person at the polls to cast their vote. A photo ID is only one option. All the other options include employment ID, student ID, a current utility bill, bank statement, paychecks, or a government document showing the name and address of the voter.

□ 1400

Neither voters nor States are required to comply with a one-size-fit-all Federal mandate. The unavoidable consequence of enacting H.R. 4844 will be the decrease in the number of American citizens who are able to vote. H.R. 4844 will do far more to suppress turnout and intimidate voters than to prevent voter fraud, the purported objective of the majority.

Now, we say to all of us here in Congress, if we know of fraud and of persons voting illegally, we should tell our district attorneys. We should not tarry on this type of thing, and I suggest to the majority, if they know of any fraud, please call their district attorneys. We do not need this type of bill to accomplish this task.

We should be, as Members of Congress, representing the people and this people's House to do just that. For all the concern that the majority expresses about protecting the right to vote, this bill does nothing to stop voter suppression or correct the numerous administrative problems that are plaguing our elections and robbing our citizens of their right to vote.

I also previously heard that Andrew Young is in support of this bill. In fact, we understand that Andrew Young is not in support of this bill and that his remarks have been taken out of context. He is opposed to this bill.

H.R. 4844, as amended, will do nothing to stop the intentional forms of voter suppression such as the instances in 2004 when unsuspecting voters were misinformed about the time or place of the election or about the qualifications for voting. This bill will not remedy the long lines, misallocation of voting equipment, voting registration rules, or other election procedures that deny citizens their very critical opportunity to vote.

These are the real issues that this Congress should be addressing. To that end, I have offered a substitute piece of legislation that addresses some of the problems of voter suppression and voter fraud that are not addressed in H.R. 4844. Our Congress should be improving voter access to the polls, preventing election fraud, paying for and supporting election integrity, but it was not made in order. In fact, this is a closed rule, which is what happens when the majority does not want us to bring real legislation to the floor.

Mr. Speaker, because of the critical adverse impact of this bill and the affect it will have on our citizens' constitutional right to vote, I urge my colleagues to join me in opposing H.R. 4844. Instead of making it difficult to vote, our job should be, in the people's House, to promote civic participation more broadly.

There are 40 percent of registered voters who are not voting in our elections. This issue is what we should be addressing. Instead of erecting new barriers to voting participation, we should be devoting our resources to prosecuting the illegal intimidation tactics and solving the election irregularities which continue to surface with each election cycle.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Illinois (Mr. HYDE) one of the most honorable persons in the Chamber, one who has served well for so many years, the sponsor of this bill, who has worked tirelessly for this Congress and for the people of the United States, including on this bill.

Mr. HYDE. Mr. Speaker, I thank Mr. EHLERS. I appreciate your warm, gracious words.

There is a story that goes around in my hometown, Chicago. It says, Bury me when I die in Chicago because I want to stay active in politics after I am gone. This is not the problem we face here, but I thought I would mention that anyway.

I rise in support of H.R. 4844, the Federal Election Integrity Act of 2006, because the election system is the bedrock that our Republic is built on and its security and oversight is of paramount concern. The Constitution places the responsibility within this House to certify Federal elections, and we ''may at any time by law make or alter such regulations.''

It is the law that only U.S. citizens have the right to vote in Federal elections, but our current system does not give State election officials the tools they need to ensure that this requirement is being met, which is why I have introduced this bill.

This bill will help election officials ensure accuracy at the polls on election day. It amends Public Law 103–31, popularly known as the ''motor-voter bill,'' to require voters to show a current official photo ID obtained with proof of their U.S. citizenship before voting. This bill's requirements will extend nationwide for all Federal elections.

H.R. 4844's provisions take effect gradually, allowing voters time to adjust. In 2008, voters will have to show a current official photo ID, and in 2010, they will have to display a photo ID that was obtained by providing proof of their U.S. citizenship. A voter who forgets his ID on election day will be allowed to cast a provisional ballot and will have 48 hours to present an ID to an election official to validate the ballot. Furthermore, and this is so important, voters who cannot afford an ID will be issued a free ID at no cost. That is some kind of poll tax when somebody else pays for it. That is my kind of tax. Funds will be appropriated, they are contemplated by this legislation, to assist States in implementing the providing of a free ID.

Opponents argue requiring a photo ID backed by proof of citizenship erects obstacles to citizen participation. That is certainly not true. This bill is designed to increase participation by ensuring that each legitimate vote will be counted and not be diluted by fraud.

There are many elections in this country every cycle that are decided by just a handful of votes. How can we be certain that these elections, without measures to certify the identity of voters, are not being decided by fraudulent votes?

Opponents often claim that requiring a photo ID is a solution in search of a problem. This argument is erroneous because election officials cannot determine if a problem exists because they do not have the tools to verify voters' identities on election day, nor when they register.

Our laws operate largely on trust, trust that voters are truthful in checking a box certifying that they are U.S. citizens. No documentation is required. Under the current law, all you need to establish your identity when registering to vote by mail is a utility bill or bank statement, documents easily forged and which do not give any indication of citizenship.

Our election system is too important to be safeguarded by mere honesty alone. We must have verification.

Opponents claim that there are strict punishments already in place to deter voter fraud. I agree there are sanctions in place, but they are toothless measures when election officials do not have the tools they need to concretely establish a voter's identity on election day.

Broad popular support exists for this bill. Photo IDs were called for in the 2005 report issued by the bipartisan Commission on Federal Election Reform.

Many States have recognized voter fraud is a problem and passed photo ID laws as protective measures. Arizona

voters recently passed a law requiring valid photo IDs for elections, and 22 States have implemented laws that require all voters to show identification when casting a ballot.

Let me summarize by saying our voting rights were won by Americans who were willing to lay down their lives for the freedom to elect our representatives, and it is our duty to safeguard that freedom. If we do not, our elections become meaningless.

This bill upholds the integrity of this election system for everybody.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished and outstanding member of the Committee on House Administration.

Ms. ZOE LOFGREN of California. Mr. Speaker, there is something we can all agree on in this Chamber and that is that only Americans get to vote, and they only get to vote once. But what we are talking about in this bill is disenfranchising many of those Americans. It is already a felony for a non-American to vote.

Now, when this bill was introduced, the committee made it part of Immigration August. We had hearings around the country, and what we found out was that the issue of so-called illegal aliens voting basically does not occur.

As the League of Women Voters has said, the voter fraud addressed by this bill is a rare problem, and the witness in New Mexico said she had never seen it in her entire professional career. And if you think about it, it makes sense. Illegal aliens are sneaking across the border for a job, not to vote.

We also got testimony that the impact of this will disproportionately affect poor people and African Americans. In fact, in a Milwaukee study, they found that 78 percent of the African American men aged 18 to 24 had no driver's license. Why? Because they are too poor to have a car and they do not have a license.

In New Mexico, we heard from Mr. Yahzee, a Navajo, who told us that the Navajos basically do not have this ID and they cannot get it either because they do not have birth certificates, they do not have electricity, they do not have phones. They do not have the document, but they are the original Americans. They were the code talkers. They are entitled to vote, but under this bill they would not be able to vote. I do not know about this poll, but I think if you ask 81 percent of Americans whether the Navajo should not be allowed to vote, they would say, well, of course not.

Now, recently there was a measure put into place to have Medicaid recipients have a photo ID, and we had to repeal that rule. And you know why? Because we would have had to see old people evicted from nursing homes because they could not come up with that photo ID. Well, I tell you, if you cannot come up with a photo ID to save your life, you are not going to be able to come up with a photo ID to vote either. That must be why the AARP is against this measure.

So why is this before us today? We have no evidence there is a problem. We have ample evidence in the testimony that this will disenfranchise many Americans.

I must say that the Republican Party is doing this throughout the United States. This is the measure to disenfranchise African Americans, Native Americans. It is wrong and we will not stand for it.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank very much the chairman for the time. I appreciate that.

Mr. Speaker, we deal with an issue today that could likely determine the long-term fate of our Republic. As Mr. HYDE just pointed out, voting is the bedrock of our Republic, and today we deal with voter fraud.

The U.S. Constitution and the constituents of several States clearly define the legal requirements to vote. A voter must be of minimum age. They must be a citizen of the United States, and each voter must vote only once. I do not think anybody in this body would disagree with that.

What we discuss today or debate is over how do we enforce the voter laws we have on the books.

A tamper-proof photo ID is the only practical way to prevent the mass input of fraudulent voters into our system. Some say, oh, we do not have any. How the heck do we know we do not have any? We do not check anybody to see if they are fraudulent or not.

That was the recommendation of the nonpartisan Federal Election Reform Commission, headed by former Democratic President Jimmy Carter and former Republican Secretary of State James Baker.

□ 1415

It is also the opinion, by the way, if anybody is interested, of 80 to 90 percent of the American public. It happens in every poll that is taken on this issue. My State of Georgia, in fact, has already passed such a requirement. They have even gone back and amended the law to include free State-issued photo IDs for anyone who needs one.

But that is not good enough for some. Yesterday, the State Superior Court Judge T. Jackson Bedford, Jr., legislated on the court and ruled that requiring a photo ID, in his opinion, is unconstitutional because it imposes a duty on the voter not specifically required in our State constitution. I feel very certain our Supreme Court will satisfy this problem within the next couple of weeks. He did not address, however, Legislator Judge Jackson Bedford, Jr., the fact that, without the photo ID, the legal votes of hundreds of thousands of illegal aliens could negate the legal ballots of hundreds of thousands of our citizens around the country. He did not address the fact that, without a photo ID, tens of thousands of partisans could fraudulently vote in another person's name and cast multiple ballots, negating the legal ballots of our citizens. He did not address the fact that legal voters of Georgia have spoken loud and clear over and over through their lawfully elected representatives that this measure is needed, and it is desired.

He did not, meaning the legislative judge, address that the Constitution of the United States guarantees to each State a republican form of government, and this ruling directly conflicts with the perfect right of the citizens of Georgia. Our Governor and State legislature must fight this tyrant in Georgia.

But we can speak loud and clear against those who show their contempt against the right of the American voters across our Nation. We can stop election fraud today by voting for this magnificent restoration of our constitutional rights by my friend and my colleague Chairman HYDE.

Defend the Republic. Support this bill.

Ms. MILLENDER-McDONALD. The gentleman from Georgia is absolutely right. If we need to go after fraud, we need to get some quantitative information before we bring this bill to the floor.

Mr. Speaker, I now would like to yield 1 minute to our distinguished minority leader.

Ms. PELOSI. I thank the gentlewoman for yielding.

''This cannot be.'' With those words, State Judge Jackson Bedford yesterday struck down the infamous Georgia photo ID law. Let me repeat. ''This cannot be.'' Let these words guide us here, because right here in this House of Representatives we take an oath of office to uphold the Constitution of the United States. That Constitution guarantees all American citizens the right to vote and the right for their vote to be counted.

I want to thank the distinguished gentlewoman from California, the ranking Democrat on the House Administration Committee, for her leadership on this issue. She has been an important force in protecting the integrity of elections. And that is why it is so sad to see this bill come here to the floor today, especially named the Federal Election Integrity Act.

Integrity? It is not about integrity. It is about a tawdry attempt by Republicans to suppress the votes of millions of Americans. That is not integrity.

America is a beacon of democracy to the world. We must continue to send a message to the world that we honor the oath of office that we take to protect and defend the Constitution. Every eligible citizen must be able to vote, to exercise his or her right to vote, and those votes must be counted.

Only a short month ago, many of us stood here, stood proudly on the White

House lawn as the Voting Rights Act reauthorization was signed into law. We overcame many obstacles even for the reauthorization of that legislation to affirm the most precious right of our democracy, the right to vote.

Today, however, we are undermining that right to vote, and we are undermining the reauthorization of the Voting Rights Act, and, in doing so, we are undermining our democracy. Though the right to vote is the foundation of our democracy, the bill we debate today is indeed a disenfranchisement of millions of American voters, the elderly, African Americans, Asian Americans, Latino Americans, and, get this, Native Americans. Native Americans, people here longer than any of our families, unless we can proudly boast of being Native American. People with disabilities. The list goes on.

As the NAACP has said, this bill would disenfranchise many of the very citizens that the Voting Rights Act is designed to protect. And the Republicans call that integrity. I don't think so.

A few weeks ago President Bush spoke before the NAACP in the first time in his Presidency. He quoted President Lyndon Johnson in saying that voting rights are the lifeblood of a democracy. And yet, here today, after making that great statement, quoting that great civil rights and voting rights President, President Bush is here today in a transparent, it is obvious to all, attempt to suppress the votes of millions of American citizens, cutting off the lifeblood of democracy. Is that integrity? I don't think so.

Supporters of this Republican voter suppression bill would claim that this bill is about preventing noncitizens from voting. It is just the opposite; it is a bill designed to prevent citizens from voting. Noncitizens are strictly prohibited under law from voting and face tough penalties for breaking these laws. And that is right. No one condones fraud. There is little evidence anywhere in the country of a significant problem with noncitizen voters. As our distinguished ranking member pointed out, if you want to make a case, document it, just don't claim it and then come through with a clear and transparent attempt to cut off the votes of those who do not share your political point of view. You didn't take an oath of office to do that.

This bill is not about noncitizens as its supporters claim. Rather, it affects all American citizens by making them prove that they are, in fact, citizens even if they have voted for years. By forcing voters to undergo time-consuming, burdensome, and expensive attempts to secure documents, this Republican voter suppression bill is a modern-day poll tax. It would especially impact our elderly citizens and low-income citizens, and disproportionately affect minority individuals and individuals with disabilities, many of whom do not drive and cannot afford passports. This bill suspiciously appears to target and disenfranchise American voters who might not be sympathetic to Republican policy goals. Again, a modern-day poll tax. And the Republicans call this modern-day poll tax integrity. I don't think so.

We have a responsibility to remove all obstacles to participation to the right of all American citizens to participate in the electoral process. And yet, the AARP has said that the obstacles this bill throws up to voting, that they are particularly concerned about that such rules will prevent many eligible older voters from exercising their right to vote. That is why they join the NAACP, the League of Women Voters, and this long list of over 110 organizations, civil liberties, civil rights groups opposing this legislation.

It even goes into health, United Church of Christ, the United Methodist Church, United States Steelworkers, United States Student Association. How about this. The list goes on. But it even talks about some of the groups that deal with the disabilities community in our country. The Navajo Nation. I will put it in the RECORD for all to see. The League of Women Voters, the NAACP, AARP. The list goes on.

GROUPS OPPOSED TO VOTER ID BILL—SEPTEMBER 20, 2006

African American Ministers in Action
ACORN
Advancement Project
Aguila Youth Leadership Institute
Alliance for Retired Americans
American Association of People with Disabilities
American Association of Retired Persons (AARP)
American Association of University Women
American Civil Liberties Union
American Civil Liberties Union of Arizona
American Federation of Labor—Congress of Industrial Organizations (AFL–CIO)
American Federation of State, County and Municipal Employees
American Immigration Lawyers Association
American Jewish Committee
American Policy Center
Americans for Democratic Action
Anti-Defamation League
Arizona Advocacy Network
Arizona Consumers Council
Arizona Hispanic Community Forum
Arizona Students' Association
Asian American Justice Center
Asian American Legal Defense and Education Fund
Asian and Pacific Islander American Vote (APIA Vote)
Asian Pacific American Labor Alliance, AFL–CIO
Brennan Center for Justice
Brennan Center for Justice at NYU School of Law
Center for Digital Democracy
Common Cause
Computer Professionals for Social Responsibility
Concerned Foreign Service Officers
Congressional Hispanic Caucus
Consumer Action
Cyber Privacy Project
Democratic Women's Working Group
Demos
Demos: A Network for Ideas & Action
Electronic Frontier Foundation
Electronic Privacy Information Center
Emigrantes Sin Fronteras
Fairfax County Privacy Council
FairVote
Friends Committee on National Legislation
Hispanic Federation
Hispanic National Bar Association
Interfaith Worker Justice of Arizona
Intertribal Council of Arizona
Japanese American Citizens League (JACL)
Jewish Council for Public Affairs
La Union Del Pueblo Entero (LUPE)
Labor Council for Latin American Advancement
Laborers International
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil Rights
League of United Latin American Citizens
League of Women Voters of Greater Tucson
League of Women Voters of the United States
League of Young Voters Education Fund
Legal Momentum
Mexican-American Legal Defense and Educational Fund
National Association for the Advancement of Colored People (NAACP)
National Association of Latino Elected and Appointed Officials Educational Fund
National Center for Transgender Equality
National Conference of State Legislatures (NCSL)
National Congress of American Indians
National Council of Jewish Women
National Council of La Raza
National Disability Rights Network
National Education Association
National Immigration Forum
National Korean American Service & Education Consortium
National Urban League
National Voting Rights Institute
Navajo Nation
New York Public Interest Research Group, Inc./NYPIRG
Ohio Taxpayers Association & OTA Foundation
Philip Randolph Institute
People for the American Way Foundation
Project for Arizona's Future
Project Vote
Protection and Advocacy System
Rainbow PUSH Coalition
Republican Liberty Caucus
Rock the Vote
SEIU Local 5 Arizona
Service Employees International Union (SEIU)
Sikh American Legal Defense and Education Fund (SALDEF)
Somos America/We Are America
Southwest Voter Registration Education Project
The Arc of the United States
The Multiracial Activist
The Rutherford Institute
Tohono O'odham Nation
Transgender Law Center
U.S. Hispanic Chamber of Commerce
U.S. PIRG
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Auto Workers
United Cerebral Palsy
United Church of Christ Justice & Witness Ministries
United Methodist Church, General Board of Church and Society
United States Student Association
United Steelworkers
United Workers of America
UNITE–HERE
Velvet Revolution
William C. Velasquez Institute

YWCA USA

Mr. Speaker, the general public should understand what this bill means to them. This doesn't mean that you don't have to prove your identity at the polls. Many States permit forms of identification such as Social Security cards and utility bills when voting. What this bill does do, though, is starting in 2008, voters would have to present a government-issued photo ID that many do not have. Or, if you are voting by mail, you have to send in your picture. I mean, what is this? Submit it before getting a ballot. And, starting in 2010, that ID would also have to show proof of U.S. citizenship. This cannot be.

But just if you are a person out there listening to this debate, and you think, my Social Security card is not enough? The fact that I have voted in this community over time is not enough? Where is the basis of our democracy, which is truth and trust? It is completely lacking in this bill. And they call it integrity.

As we know from experience, Republican promises to authorize funds for identification are meaningless. They say, oh, we are going to authorize. We are supposed to have had $800 million allocated to remove obstacles of participation and to facilitate voting, but because that would expand the universe of people who have access to the right to vote, the Republicans have rejected it for fear of the result of that turnout. Republicans have a history of underfunding electoral reform. Again, they have underfunded the Help America Vote Act by $800 million. How they can explain that, I don't know. I know one thing, it is not about integrity.

Mr. Speaker, problems with voting that were apparent in the elections of 2000 and 2004 are well-known to the American people, and they are of great concern to the American people. Those elections have uncomfortable echoes to a past that had been long left behind. In the 2004 elections, voters in predominantly minority districts reported higher rates of inactive voter registrations, a greater percentage of inadequately staffed and equipped polling places, inconsistent treatment of provisional ballots, many of which were never counted, and sometimes even a lack of an adequate number of ballots.

Even with the best intentions, it is challenging, as we saw in the State of Maryland last week. But if the design is to thwart voter participation, how much of a disadvantage is the average voter?

Mr. Speaker, 40 years ago, in one of our Nation's finest hours, our country came together as a Nation to overcome bigotry and injustice and to secure the fundamental right to vote. With the passage of the Voting Rights Act, we said that we would no longer tolerate the many nefarious methods, poll taxes, literacy tax, grandfather clauses, and, as our colleague JOHN LEWIS can attest, brutal violence that had been used to deny African Americans and other minority citizens the right to vote. Today this legislation seeks to turn back the clock. And they call it integrity.

Those of us who take an oath of office, I go back to that oath over and over again, promise to uphold the Constitution. We are committing ourselves to ensuring that everyone who is eligible to vote is able to vote, and that every vote will be counted. Any diminishment, any diminishment of America's citizens voting is a diminishment of our democracy. This cannot be.

□ 1430

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN), the future Governor of Wisconsin.

Mr. GREEN of Wisconsin. Mr. Speaker, I rise in support of H.R. 4844, the Federal Election Integrity Act.

Mr. Speaker, our democracy can withstand many things and that is what our history shows. But one thing it cannot withstand is doubt over the outcome of elections. We have to know whoever wins, your guy, my guy, conservative, liberal, Republican or Democrat, he or she really won. Won, in fact. It is the only way our leaders have the moral authority they need to take on the great challenges of our times.

As others have noted, we have had far too many elections in recent years where serious questions have emerged over irregularities and even fraud. During the last Federal election in 2004 in my home State, Wisconsin, Wisconsin found itself mired with out-of-date voter lists, fake names, invalid addresses, double and triple voting, and ballots cast by convicted felons. Our State's largest newspaper found almost 300 cases of felons voting illegally, at least 100 cases of double voting, and 1,200 votes from invalid addresses. And the list goes on and on and on.

Every one of those illegal votes cancels out a vote legally cast, cancels out a vote from a citizen for whom that right is so precious and so fundamental to our Nation's future.

A photo ID will not solve all of these problem, not by a long shot. But it is definitely a step in the right direction, a step that I believe most Americans support, a step that I know most Wisconsinites support. That is why last year I introduced comprehensive election reform legislation that would have required a valid photo ID to vote in any Federal election.

It is also why I am proud to support this legislation from Chairman HYDE. It is legislation whose time has come. It is a way of ensuring integrity in elections.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield 2 minutes to a great civil rights leader and icon from the great State of Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, the gentlewoman from California for yielding and for all of her great work.

Mr. Speaker, just 3 months ago this body passed the reauthorization of the Voting Rights Act of 1965, admitting the sad fact that voter discrimination is still a reality in this great Nation. This Congress decided we could do better, that history required us to protect the right of all Americans to vote.

Today this bill moves us in a different direction, the wrong direction. This bill, like the unconstitutional Georgia photo ID bill and so many other photo ID schemes throughout the country, is an attack on the voting rights of millions of American citizens.

I am beyond disgusted. I am shocked. I find it hard to believe that the Republican leaders in Congress will put election year games ahead of the voting rights of American citizens. We fought too long, fought too hard, and suffered too long for the right to vote. People died to participate in the democratic process. We must not turn back the clock. We must not go back. We must go forward and open up the political process and let all American citizens come in.

Call it what you may, this bill is a modern-day poll tax; $10 or $15 for a birth certificate, $100 for a passport, this is a poll tax. There is no other way to say it. It costs money to get a birth certificate. It costs money to get a passport. Why put an extra burden on American citizens to exercise their most precious right, their right to vote? There is no reason.

Citizens will be denied the right to vote. This is no less than voter suppression. We should open up the process to each and every American citizen. Instead, this bill returns us to our dark past. Vote ''no'' on this photo ID bill.

Mr. EHLERS. Mr. Speaker, I would just like to observe for a moment there will be no expense to any voter. It will be paid by the Federal Government if the voter has to pay money to get a birth certificate or a photo ID.

Mr. Speaker, I am pleased to yield 2 minutes to another member of the House Administration Committee, Mr. JOHN MICA of Florida.

Mr. MICA. Mr. Speaker, I thank Chairman EHLERS for yielding me this time, and I thank him for bringing out a bill that is both a reasonable bill, a bill that looks out for the interests of the poor and those that could be deprived of the right to vote.

I have the greatest respect for the gentleman from Georgia (Mr. LEWIS). He is a hero among heroes, and I am here to tell you if this bill in any way infringed on anyone's ability to vote or discriminated on any basis of allowing them to have access to the polls, I would not support it.

But what we have in this legislation which has been so ably crafted is legislation by a bipartisan commission, 21 members led by two very distinguished individuals, the gentleman from Georgia, the former President Carter, and the gentleman from Texas, former Secretary of State Jim Baker, a 21-member commission, and by a vote of 18–21,

only three dissenters, they asked for and recommend this for protection of the ballot.

Now we have been discussing here, day after day, border security. And we want our borders safe. This issue is what Americans want. They want safe borders and they want safe ballots.

I come from the State of Florida where we had the question of who voted. This gives us protection because it asks for minimal identification. So it is a good recommendation and it is a recommendation because we don't want 50 States and some States with different levels of requirements. We have a national standard, and that is what was recommended by the commission to ensure that we have a safe and secure ballot, ensure that we not only are protecting our borders but we are protecting our ballots.

In Florida you can have a requirement for identification to buy a six-pack or a pack of cigarettes. The very least we can ask is for someone who is going to cast a ballot that is so precious in our democratic process to show some identification, and I think this is a good measure. I urge its passage.

Ms. MILLENDER-McDONALD. Mr. MICA, perhaps you do want to consider not voting for the bill because 60 percent of new registrants in Pima County, AZ who are all eligible voters, were initially rejected. And for every 1 percent of individuals who do not have the necessary documentation of citizenship, 2 million voters are disenfranchised.

Mr. Speaker, at this time I would like to yield 1½ minutes to a man who does know about all of this, a former Secretary of State, the Honorable JIM LANGEVIN from Rhode Island.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, today I rise in strong opposition to H.R. 4844 because of the dangerous impact it would have on voter participation in the United States. When I was Secretary of State, I led an effort to reform our elections. We replaced our outdated voting equipment, made polling places accessible, and significantly reduced error rates.

My job was to make voting open and accessible to eligible citizens, and to encourage people to participate in the process. From that experience, I know this legislation would practically do nothing to reduce fraud, while creating new barriers for Americans to vote.

Should H.R. 4844 become law, fewer eligible citizens will be able to vote because they lack proper identification or documentation. Maybe it is an elderly woman who leaves her home of 50 years to enter an assisted-living facility. It could be a resident of New Orleans whose public records were lost in Hurricane Katrina. The list goes on and on. However, these people have one thing in common: Once they are turned away from voting, it is unlikely they will return. They may not return that day because of a lack of time or transportation; or they may not return in future elections because of the hassle they experienced. New obstacles to voting will cause many to drop out of the Nation's election system because it failed them.

Not only would the bill make it harder for every American to vote, but it would also add massive new compliance requirements for election officials. It also unnecessarily duplicates current law, which requires that voters in Federal elections be U.S. citizens.

Fraudulent voter registration is a felony punishable by 5 years in prison. Furthermore, the bill does not address other, more prevalent forms of voter fraud and additional problems that we have witnessed in recent elections.

Mr. Speaker, Congress has a proud record of removing barriers and increasing the opportunity of all Americans to vote. It guaranteed the right to vote to citizens whose only disqualification was the color of their skin. It opened polling places to the disabled. It extended the franchise to Americans living overseas. It did all of this on a bipartisan basis and while maintaining the integrity of our elections.

H.R. 4844 is a step away from that proud tradition because it would erect new barriers for eligible citizens and disenfranchise many Americans. I urge my colleagues to vote against H.R. 4844 so that we may preserve the most precious right, the right to vote.

Mr. EHLERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE) who was kind enough to host us when we held a hearing in his State.

Mr. PEARCE. Mr. Speaker, I heartily support H.R. 4844. On election day in 2000, President Bush was ahead by 31,000 votes. Before the Secretary of State of New Mexico certified the election 23 days later, the last State to certify, that gap had been closed to just 5,000 votes, and the voting was about 80–20 the reverse direction. The estimate of fraud in that particular election was 7 percent in statewide fraud.

One of the greatest frauds that is perpetrated in New Mexico is that voting workers, campaign workers, come in and read over the shoulder of the poll workers and find out names that have not been signed in. And magically, that is the next name that appears. That is the next person in line that comes up and signs his name, and it works over and over again through the day.

It was against the law, and when candidates began to enforce the law, in 2004 the New Mexico legislature went in and cured the problem. They went in and said it is okay, it is okay for that worker to come in, look over the shoulder and find a blank line and sign in. In fact, in New Mexico it is against the law, it is against the law to check for photo ID or any kind of registration even if you know that the person is not the right person that is signing.

So that is the reason that I think a bipartisan commission supported this bill. At the end of the day, the integrity of the election process is the confidence in the process.

This is not about who gets elected. This is about making sure that each person gets one vote and one vote only. For those who would say call the district attorney, I would tell you when the college students signed in and called us at 8, saying someone had already voted in their place, I am here with my picture ID and they say I am already signed in and it was someone else, the district attorney says if you can't find a warm body signing the line at the time, then you have no case.

The county clerk in the county where these problems occurred was convicted of four counts of felony fraud on election day; yet the Secretary of State would not pursue the case. I support this bill because it begins to restore some integrity to the election process. We on this side will not allow disenfranchisement. We will not allow votes to be suppressed, but we do need to clean up the mess that exists in many States. I thank the gentleman for bringing this bill to the floor.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 1½ minutes to the gentleman from the great State of Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for yielding me this time.

We have had eloquent testimony and speeches dealing with the practicality of why this bill is unconstitutional. But more than that, let it be clear, let's pull the covers off of this, this is nothing but a bold attempt, a shameless attempt by the Republican Party to target those types of voters that they believe will not vote for them but would vote for Democrats. That is exactly what it is.

I am here to tell you the truth about this because I am from Georgia where this very same bill has been ruled not unconstitutional once, not unconstitutional twice, three times it has been ruled unconstitutional by a Federal judge, and just yesterday by the Superior Court of Fulton County, the largest county in my State.

□ 1445

It has been ruled unconstitutional. And the reason is this: The Constitution and the Framers of the Constitution made it very clear. They said that the right to vote shall not be abridged, shall not be infringed upon. That is the anchor. That is the basic thrust.

You come here and talk about needing a picture ID to get on a plane, to get on a bus. Well, the right to get on a plane must not be infringed was not written into the Constitution, but the right to vote was. And if Alexander Hamilton was right, if Thomas Jefferson was right, ought not we be right? If Madison was right, shouldn't we be right? If Abraham Lincoln was right, shouldn't we be right? If Martin Luther King, Jr., was right, shouldn't we be

right? When Lyndon Baines Johnson signed the Voting Rights Act, he said the same thing. All throughout our history, and why?

Here are you, the Republicans, doing this dastardly un-American act. And if John Lewis, who got his head bloodied on Edmund Pettus Bridge, says it is right, then it should be right. And the right thing to do is to vote down this dastardly un-American bill.

Mr. EHLERS. Mr. Speaker, I am pleased to yield such time as he may consume to Mr. WALDEN for purpose of a colloquy.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the chairman for yielding.

As the chairman knows, I support the fact that citizens should have the right to vote and that the citizens' vote should be counted, and the way to do that is to prove your citizenship. That is what American elections are all about, so we do not have people here illegally who are voting.

My concern with this legislation applies specifically to my State of Oregon, which is entirely vote by mail, and the provisions contained in this bill before us today give me some pause. And I would like to know that I have the chairman's support in working with us in a conference to address these issues.

In my district, 70,000 square miles, if every voter every time has to photocopy their ID and put it with a ballot that they send in, it raises some issues. I think there are other ways to guarantee that only citizens get ballots to vote, and I would appreciate your support in trying to address that issue in conference.

Mr. EHLERS. Mr. Speaker, if the gentleman will yield, I recognize the concern of the gentleman from Oregon, and we will certainly try to work with him. We will solicit ideas not only from his State, but also from the State of Washington, which has a considerable amount of mail-in voting. And I would certainly like also to hear from the secretary of state of both States and several county clerks from each State for ways that we can accomplish the goal of the bill, which is to ensure that every citizen has the right to vote, and only those who have the right to vote will be allowed to vote. There may be more than one way to accomplish that.

We will be happy to work with you when the bill reaches conference with the Senate.

Mr. WALDEN of Oregon. I appreciate that commitment, Mr. Chairman.

Mr. EHLERS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS) for another colloquy.

Mr. PITTS. Mr. Speaker, I would like to ask my colleague from Michigan how this bill will impact those whose religious convictions prevent them from having their photo taken for government ID. I represent some 25,000 members of the Amish community. Many of them do vote, but, because of their religious beliefs, will not allow their photo to be taken. They wouldn't object to a fingerprint or biometrics. But I would respectfully ask the gentleman to explain how the bill deals with this issue, given our Nation's long tradition of protecting freedom of religion, and if this matter could be addressed as the bill moves along.

Mr. EHLERS. Mr. Speaker, if the gentleman will yield, I thank the gentleman for raising the question. This is not the first time it has come up. There are other groups. Many of the American Indians have raised a similar objection, and I am quite sure that once we get in conference with the Senate, we will be able to hear from that group and all the other groups, the Amish, the Native Americans, and find another method to ensure identity.

Clearly biometrics would be equally acceptable as a photo ID. Thumbprints are generally not reproducible for other fraud; so I believe this will help deal with the issue.

Mr. PITTS. I thank the gentleman.

Ms. MILLENDER-MCDONALD. Mr. Speaker, this just shows you how flawed this bill is. This bill should have remained in committee so we could really crank out and clear up some of these problems. We have heard two colloquies from the majority on issues that are not a part of this bill, for heaven's sake.

At this time I would like to yield 1 minute to the gentleman whose State has thrown out a similar type of law, the gentleman from Missouri, the Honorable WILLIAM CLAY.

Mr. CLAY. Mr. Speaker, I thank the gentlewoman for yielding.

With little to no evidence of past fraud, it is outrageous that my Republican colleagues are going to extraordinary lengths to suppress Democratic votes.

H.R. 4844 would impose undue hardship on seniors, women, minorities, the disabled, and lower-income voters, who are all less likely to have proof of citizenship. This bill qualifies as nothing more than a 21st century poll tax, which is unconstitutional.

The malicious intent of this law was recently acknowledged in Missouri when a State judge ruled it an impermissible additional qualification to vote and in violation of the State constitution. It would have disenfranchised over 170,000 voters.

Mr. Speaker, it is clear that this bill is nothing more than a sham and fraudulent. In Missouri, for instance, we were not able to find any cases of vote fraud over the last 50 years. So would the proponents tell me where the fraud comes in?

Mr. EHLERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

I have great respect for my colleagues on the other side of the aisle, but I can't for the life of me figure out why they oppose making sure that the people who vote in this country are American citizens.

We have 12 million illegal aliens in this country, and we all know that there have been phony Social Security cards purchased and other documents purchased, and, as a result, these people have been getting benefits from this country, and many of them, we believe, have been voting illegally.

The Constitution, as the minority leader said a while ago, guarantees the rights of American citizens to be able to vote, and the Constitution is supposed to protect the rights of American citizens. She talked about the oath of office that we took to protect the rights of the citizens of this country, and one of those rights is the right to make sure that their vote counts. And if you have illegal voting taking place, then every illegal vote takes away the right of one American's vote to count in that election. And you have to guarantee that right, that the American's vote is going to count. Now, how do you do that?

We know that there has been fraudulent voting in the past. I know some of my colleagues have said that hasn't taken place, but we know it has happened. So with all the illegal aliens coming into this country, all the border security problems that we have had, how do you guarantee that only Americans have the right to vote? You have to have some kind of an identification mechanism.

Now, one of the arguments that was made a while ago was that, well, some people cannot afford it. This bill provides that anybody who cannot afford this documentation, the government will pay for it. The State and the Federal Government will pay for it. So the fact of the matter is there are guarantees that people's right to vote, even if they cannot afford an ID card, will be taken care of.

Now, I have listened to all the arguments. I have heard of all the things that were said by my colleagues on the other side, and I have great respect for them and their opinions. But the fact of the matter is this boils down to whether or not Americans should have their vote counted and not negated by an illegal alien or somebody else who comes into this country who has phony documentation. And that is why a photo ID is very, very important, and other documentation, which will be worked out by my chairman here when it goes to conference.

This is very important for every American citizen, especially if they are concerned about the problem of illegal aliens and border security and their right to vote.

Ms. MILLENDER-MCDONALD. Mr. BURTON, you are speaking about an immigration bill at this point; so perhaps you should get that bill out.

Mr. Speaker, at this time I would like to yield 1 minute to the great gentleman who walks in the footsteps of his great father, the Honorable CHARLES GONZALEZ.

Mr. GONZALEZ. Mr. Speaker, I thank my colleague for giving me 1 minute.

The only thing phony about documentation, it is not the documentation, it is the phony argument that is being advanced today.

And I am going to ask the authors, the sponsors, and those individuals that espouse and support this bill to please stand at this time if you were asked at any time in seeking your office that you hold today for documentation such as a passport or a birth certificate to seek this office.

The answer is no. All you did was what we all do. We attest that we are citizens of this great Nation. And guess what? You get your name on the ballot. But when it comes to the voters, we are going to say that is not enough. Give us a passport. Give us a birth certificate. Prove it to us. We may hold the office. You can vote for us. But lo and behold, you cannot vote.

Think of the pure idiocy of the law that is being proposed today. And the reason that it fails on logic, it was never meant to be logical. It was meant to be political. And that is what we have here today.

And I am asking you to give up this charade. Give up November 7, 2006, politics and do the right thing and vote this down.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, at this time I would like to yield 1 minute to a great leader from the great State of California, the Honorable SAM FARR.

Mr. FARR. Mr. Speaker, I thank the ranking member for yielding.

The first thing you learn when you are elected to be a lawmaker is not to pass laws that you can't enforce.

Why is this a bad bill? Because it cannot be enforced. What is in your wallet that shows you are a citizen? None of the people sitting here watching, listening has anything in their wallet that shows they are a citizen of the United States.

This bill requires proof of United States citizenship. How are you going to prove it? Your driver's license? You don't have to be a citizen to have a driver's license. Your Social Security card? You don't have to be a citizen to have a Social Security card. What is in your wallet that shows you are a citizen? You don't have it. You don't have it. So what this bill says is we distrust most the people we asked to create a government.

Members of Congress couldn't even qualify because they do not have cards in their wallet that shows they are a citizen. They can say, ''I have got my voting card.'' Yes. Well, there are 435 of those. How many people in the United States recognize a congressional voting card? You can't even show it in the airport and get by.

So this bill is not enforceable because there is no proof of citizenship card in the United States, which this bill requires. You shouldn't enact a bad bill.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, at this time I would like to yield 1 minute to another great leader out of the State of Texas, the Honorable SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me offer my great appreciation to JUANITA MILLENDER-MCDONALD. I cannot think of a Member of this House who has been so persistent on these issues.

But I do want to say to the American people that we understand that we want to secure the vote, but you might note and might want to understand that out of 197 million people that have voted since 2002, there have only been 52 voter fraud cases.

I want to join you in stamping out voter fraud. I want to make sure that we have one vote/one person. But I do not want to step on the Constitution.

This legislation steps on your rights, one vote/one person. And for every 1 percent of the electorate who does not have the necessary documentation, where you were born with a midwife, you have lost your documents, you were in Hurricane Katrina or a volcano or an earthquake or a mudslide, 2 million voters will be disenfranchised. And, my good friends, this is a 21st century poll tax.

I will include in the RECORD ''The Long Shadows of Jim Crow'' because this is voter intimidation.

THE LONG SHADOW OF JIM CROW: VOTER INTIMIDATION AND SUPPRESSION IN AMERICA TODAY

OVERVIEW

In a nation where children are taught in grade school that every citizen has the right to vote, it would be comforting to think that the last vestiges of voter intimidation, oppression and suppression were swept away by the passage and subsequent enforcement of the historic Voting Rights Act of 1965. It would be good to know that voters are no longer turned away from the polls based on their race, never knowingly misdirected, misinformed, deceived or threatened.

Unfortunately, it would be a grave mistake to believe it.

In every national American election since Reconstruction, every election since the Voting Rights Act passed in 1965, voters—particularly African American voters and other minorities—have faced calculated and determined efforts at intimidation and suppression. The bloody days of violence and retribution following the Civil War and Reconstruction are gone. The poll taxes, literacy tests and physical violence of the Jim Crow era have disappeared. Today, more subtle, cynical and creative tactics have taken their place.

RACE-BASED TARGETING

Here are a few examples of recent incidents in which groups of voters have been singled out on the basis of race:

Most recently, controversy has erupted over the use in the Orlando area of armed, plainclothes officers from the Florida Department of Law Enforcement (FDLE) to question elderly black voters in their homes. The incidents were part of a state investigation of voting irregularities in the city's March 2003 mayoral election. Critics have charged that the tactics used by the FDLE have intimidated black voters, which could suppress their turnout in this year's elections. Six members of Congress recently called on Attorney General John Ashcroft to investigate potential civil rights violations in the matter.

This year in Florida, the state ordered the implementation of a ''potential felon'' purge list to remove voters from the rolls, in a disturbing echo of the infamous 2000 purge, which removed thousands of eligible voters, primarily African-Americans, from the rolls. The state abandoned the plan after news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote, and heavily targeted African-Americans while virtually ignoring Hispanic voters.

This summer, Michigan State Representative John Pappageorge (R-Troy) was quoted in the Detroit Free Press as saying, ''If we do not suppress the Detroit vote, we're going to have a tough time in this election.'' African Americans comprise 83 percent of Detroit's population.

In South Dakota's June 2004 primary, Native American voters were prevented from voting after they were challenged to provide photo IDs, which they were not required to present under State or Federal law.

In Kentucky in July 2004, Black Republican officials joined to ask their State GOP party chairman to renounce plans to place ''vote challengers'' in African-American precincts during the coming elections.

Earlier this year in Texas, a local district attorney claimed that students at a majority Black college were not eligible to vote in the county where the school is located. It happened in Waller County—the same county where 26 years earlier, a Federal court order was required to prevent discrimination against the students.

In 2003 in Philadelphia, voters in African-American areas were systematically challenged by men carrying clipboards, driving a fleet of some 300 sedans with magnetic signs designed to look like law enforcement insignia.

In 2002 in Louisiana, flyers were distributed in African-American communities telling voters they could go to the polls on Tuesday, December 10—three days after a Senate runoff election was actually held.

In 1998 in South Carolina, a State representative mailed 3,000 brochures to African-American neighborhoods, claiming that law enforcement agents would be ''working'' the election, and warning voters that ''this election is not worth going to jail.''

RECENT STRATEGIES

As this report details, voter intimidation and suppression is not a problem limited to the southern United States. It takes place from California to New York, Texas to Illinois. It is not the province of a single political party, although patterns of intimidation have changed as the party allegiances of minority communities have changed over the years.

In recent years, many minority communities have tended to align with the Democratic Party. Over the past two decades, the Republican Party has launched a series of ''ballot security'' and ''voter integrity'' initiatives which have targeted minority communities. At least three times, these initiatives were successfully challenged in Federal courts as illegal attempts to suppress voter participation based on race.

The first was a 1981 case in New Jersey which protested the use of armed guards to

challenge Hispanic and African-American voters, and exposed a scheme to disqualify voters using mass mailings of outdated voter lists. The case resulted in a consent decree prohibiting efforts to target voters by race.

Six years later, similar ''ballot security'' efforts were launched against minority voters in Louisiana, Georgia, Missouri, Pennsylvania, Michigan and Indiana. Republican National Committee documents said the Louisiana program alone would ''eliminate at least 60–80,000 folks from the rolls,'' again drawing a court settlement.

And just three years later in North Carolina, the State Republican Party, the Helms for Senate Committee and others sent postcards to 125,000 voters, 97 percent of whom were African-American, giving them false information about voter eligibility and warning of criminal penalties for voter fraud—again resulting in a decree against the use of race to target voters.

HISTORICAL PERSPECTIVE

This report includes detailed accounts of the recent incidents listed above, and additional incidents from the past few decades. The report also lays out a historical review of more than 100 years of efforts to suppress and intimidate minority voters following emancipation, through Reconstruction and the ''Second Reconstruction,'' the years immediately following the passage of the Voting Rights Act.

The 1965 Voting Rights Act was among the crowning achievements of the civil rights era, and a defining moment for social justice and equality. The stories of the men and women who were willing to lay down their lives for the full rights of citizenship, including first and foremost the right to vote, are the stuff of history.

Their accomplishments can never be erased. Yet as this report details, attempts to erode and undermine those victories have never ceased. Voter intimidation is not a relic of the past, but a pervasive strategy used with disturbing frequency in recent years. Sustaining the bright promise of the civil rights era, and maintaining the dream of equal voting rights for every citizen requires constant vigilance, courageous leadership, and an active, committed and well-informed citizenry.

THE CHALLENGES OF THE 2004 ELECTION AND BEYOND

The election problems in Florida and elsewhere that led to the disenfranchisement of some four million American voters in the 2000 elections cast a harsh spotlight on flaws in our voting system, problems that involved both illegal actions and incompetence by public officials, as well as outdated machines and inadequate voter education. As election officials nationwide struggle to put new voting technology into place, redesign confusing ballots and educate voters, the opportunities for voter intimidation and suppression have proliferated along with opportunities for disenfranchisement caused by voter confusion and technical problems.

With widespread predictions of a close national election, and an unprecedented wave of new voter registration, unscrupulous political operatives will look for any advantage, including suppression and intimidation efforts. As in the past, minority voters and low-income populations will be the most likely targets of dirty tricks at the polls.

Voter Intimidation in Recent Years

Voter intimidation and suppression efforts have not been limited to a single party, but have in fact shifted over time as voting allegiances have shifted. In recent decades, African American voters have largely been loyal to the Democratic Party, resulting in the prevalence of Republican efforts to suppress minority turnout. Those efforts have also been extended in recent years to Latino communities.

During the 2003 mayoral election in Philadelphia, fully seven percent of a poll of 1000 African American voters described troubling experiences at the polls. Men with clipboards bearing official-looking insignia were reported at many precincts in African American neighborhoods.

Tom Lindenfeld, who ran the counter-intimidation campaign for Democratic candidate John Street, said this deployment included a fleet of 300 cars that featured decals closely resembling those of federal law enforcement agencies, such as the Drug Enforcement Agency and the Bureau of Alcohol, Tobacco and Firearms. Many prospective voters reported being challenged for identification by such workers. Lindenfeld told reporters from the American Prospect that ''What occurred in Philadelphia was much more expansive and expensive than anything I'd seen before, and I'd seen a lot.''

In fact, the scope of such efforts during the past two decades is startling. Based primarily on reports gleaned from newspapers across the nation, there have been documented instances of the following:

Challenges and threats against individual voters at the polls by armed private guards, off-duty law enforcement officers, local creditors, fake poll monitors, and poll workers and managers.

Signs posted at the polling place warning of penalties for ''voter fraud'' or ''noncitizen'' voting, or illegally urging support for a candidate.

Poll workers ''helping'' voters fill out their ballots, and instructing them on how to vote.

Criminal tampering with voter registration rolls and records.

Flyers and radio ads containing false information about where, when and how to vote, voter eligibility, and the false threat of penalties.

Internal memos from party officials in which the explicit goal of suppressing black voter turnout is outlined.

A Republican effort in New Jersey in 1981 provided a model that was repeated across the country in the last two decades. The Republican National Committee and the New Jersey Republican State Committee engaged in a ''concerted effort to threaten and harass black and Hispanic voters'' via a ''ballot security'' effort. It involved widespread challenging of individual voters and an Election Day presence at African American and Latino precincts featuring armed guards and dire warnings of criminal penalties for voting offenses. A legal challenge eventually led to a court order and an agreement by the GOP groups not to employ such intimidation tactics.

But such tactics persist.

□ 1500

This is voter intimidation. And this intimidation cannot stand. This is a bad bill. It is not about those who are not documented, it is about you, America. You will be prevented from the right to vote with this bill. We should defeat it.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am the person from Florida where in the 2000 election, 27,000 votes was thrown out in my precincts, 7, 8, 9 and 10, that are 95 percent Democratic. And they say that President Bush won by 527 votes. But the unique thing is in the primary recently, in every single African American precinct, they sent thousands of Republican ballots, and only hundreds of Democratic ballots.

That is unheard of. In every single precinct they sent thousands of Republican ballots and not sufficient Democratic ballots. Now, that is the stupid, incompetent right trying to disenfranchise those same voters. Let me just say that in the supervisor's office, they carried the equipment home the night before the election.

Where our men and women are dying in Iraq for the right for them to vote, we do not have the right right here in the United States of America. It is a crying shame. Shame on them. Vote down this terrible bill.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank Ms. MILLENDER-MCDONALD for yielding me time and her leadership on the issue.

Mr. Speaker, I rise in opposition to H.R. 4844. It is a shame that this Congress, who just months earlier joined together in a bipartisan effort to renew the Voting Rights Act, would now propose such a divisive piece of legislation that has the potential to disenfranchise millions of Americans.

Mr. Speaker, I witnessed firsthand in my home State, Ohio, the great lengths that people have gone to in order to suppress votes. Now Congress is trying to implement its own brand of voter suppression. I have heard them argue that funds will be provided to allow people to get ID cards. Funds were provided in HAVA to allow the Secretary of State to educate voters, but instead our Secretary of State took $2.5 million, put his own face on TV in order to lead his own gubernatorial race.

Similar legislation was enacted in Ohio. On September 1, Judge Kathleen O'Malley granted a preliminary injunction that prohibits the enforcement of parts of that Ohio bill that would have allowed poll workers to inquire if a voter is a naturalized citizen and ask for proof. In her ruling, Judge O'Malley stated it was inconsistent with and undermined the purpose of the National Voting Rights Act. I ask each of my colleagues to vote against this legislation.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to ask the chairman how many more speakers he does have.

Mr. EHLERS. Mr. Speaker, I have one more speaker, then I will close.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I think the question is should we put forward a modicum of effort to keep political machines from stealing elections? Do they? Yes. Yes, they do. Just last year, a judge in the State of Washington ruled that 1,678 fraudulent votes were cast in that election.

As we look at the work of the FBI, we see that their investigation in the city of Milwaukee found 4,500 more votes cast in that election than there were people on the rolls. They found evidence of people voting multiple times, people voting for the deceased, people voting illegally. And we have the example in the State of Georgia where an audit showed that 5,412 votes had been cast by deceased voters. Personally I am tired of constituents of mine telling me that someone else voted for them at the polls. It seems to me that an ID system or showing an identification, a photo ID, will take care of this problem.

How do the American public, how do they react to this? Well, an NBC-Wall Street Journal poll recently found that 81 percent of the American people support requiring a photo ID to vote.

By requiring voters to provide a valid form of identification, we can handicap those trying to undermine the process. We can ensure the sanctity of one person-one vote. And we should not have to deal with a situation where our voters go to the polls and repeatedly tell us, somebody else already voted for me.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard many folks on the floor talking about fraud in our election process. We have heard various speakers talking about getting rid of this alleged fraud. There is no Member on this floor who does not want to get rid of fraud. But, Mr. Speaker, this bill does not address real fraud. This is not a good bill.

We have heard many speakers on the floor today delivering colloquies, trying to see whether or not this will fit or that will fit, when, in essence, this legislation merely does not get to the bottom of the real fraud, the problem of voter suppression.

Mr. Speaker, I will be submitting for the RECORD letters from the National Association of Counties and local election administrators who are objecting to this piece of legislation because they say it imposes a fee on themselves and voters all of whom assert that they cannot afford to comply with this legislation is mandate.

We have heard from the chairman and others on the other side who say that if one cannot pay for the ID, it will be paid for. But what they are doing is establishing an unfunded mandate with this piece of legislation, which is why NACO is objecting to this bill.

We also have heard from the election commissioner and county clerk out of Fairbury, Nebraska and the administrator of elections from Anderson County, TN. I will submit these letters opposing H.R. 4844 for the RECORD.

Mr. SPEAKER, the proponents of H.R. 4844 characterize this legislation merely as an administrative protection that it is simple to implement and necessary to prevent fraud. The truth is, H.R. 4844 is a misguided measure that will suppress voter turnout and undermine laws that Congress has already passed to assure all citizens will have a full and equal right to participate.

We know, Mr. Speaker, that HAVA is in place now, which is a bipartisan bill that was passed out of this House with bipartisan support.

To enact this law would be an affront to that bill, to all Americans who take pride in the progress our country has made in extending the franchise to all of its citizens, and to all individuals who take offense to the political manipulation of the majority.

Partisan attempts to burden our Nation with troublesome proof of citizenship requirements are not the direction this Congress or this country should be taking. We know that the States of Georgia and Washington, have already thrown out legislation similar to this one.

Democrats, along with well-intended Republicans, have fought for and won the extension of the Voting Rights Act for eligible Americans. During the last century, our country has expanded the right to vote to millions of Americans with the passage of the 19th amendment, gives which women the right to vote. The Voting Rights Act (VRA) was reauthorized on this floor just a couple of months ago, and we know that the VRA prevented institutional voter suppression. The 26th amendment, which gives 18-years-old the right to vote, is another bill that we have passed. Why should we consider a bill like this that does nothing to address voter suppression? This is an intimidation-type bill. It is a partisan attempt to allow the Republicans to maintain the majority.

I tell you, this bill violates State constitutions and the U.S. Constitution because it disenfranchises citizens who are otherwise qualified to vote. The Democrats will not shirk our responsibility to defend the gains put forth by the bills already on the books. We will not shirk our responsibility to ensure that every eligible American has the right to vote. And we will not let these gains be lost to undocumented allegations of fraud that have not been quantitatively proven and have not proven by any empirical data that reveals this so-called type of fraud is widespread.

The right to vote, Mr. Speaker, is too precious to allow any citizen's vote to be sacrificed by those who would treat it carelessly. I would hope that the other side thinks about this and not vote for this bad bill. This is not a good bill. It does nothing but hamper the American people.

This bill creates a poll tax. I want the American people to know that Democrats are against all types of voter fraud and we are against your paying a poll tax to be able to vote. So I say to the other side that if you really want integrity, then let's look at these electronic voting machines that voters are worried stiff about because they do not know whether their votes will be counted.

Mr. Speaker, I would ask that every Member who really has good intentions of trying protect the laws that are on the books will vote this legislation down.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, September 19, 2006.

Re H.R. 4844, the ''Federal Election Integrity Act of 2006''

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT AND MINORITY LEADER PELOSI: On behalf of county governments across the nation, I am writing to urge a ''NO'' vote on H.R. 4844, the ''Federal Election Integrity Act of 2006''.

This bill would impose a staggering unfunded mandate on states and counties. We fear that it could require county clerks and registrars across the country to take on the major new responsibility and expense of issuing photo voter registration cards that would duplicate the Real ID and existing state driver licenses. These cards would have to be issued to every voter in the nation who does not possess a current U.S. passport. Further, we fear that counties would likely have to issue these cards entirely at their own or at state expense.

While regulations have not yet been issued by the Department of Homeland Security, we are given to understand that federal structures will likely not be in place before the statutory deadline for states to be prepared to issue the Real ID. Even if states do have the capacity by 2010 to issue a Real ID to and confirm the citizenship of every voter, H.R. 4844 creates an incentive for states to separate this function from driver licensing and place it within the existing apparatus of voter registration. States that incorporate the requirements of this law into their Real ID for voter identification purposes would be ineligible for even the weak commitment of funding in H.R. 4844.

H.R. 4844 bars counties from imposing a fee on voters who assert that they cannot pay it. States and/or counties may or may not receive sufficient federal funds to pay these costs depending on annual federal appropriations. Furthermore, we fear that any fee imposed on other voters could be characterized as a poll tax and be subject to challenge in court.

If you have any questions about our position on this or any related issue, please feel free to contact me or Alysoun McLaughlin at amclaughlin@naco.org. Thank you for your attention to this urgent matter.

Sincerely,

LARRY E. NAAKE,
Executive Director.

REPRESENTATIVES EHLERS AND MILLENDER-MCDONALD: I wish to express my concern about the voter IDs where we are to provide at no cost to indigent voters. We live in a rural area that a lot of the voters are under poverty level. I do not think the county should have to pay for these. You may be going to reimburse the state for the program, but you know it will come back down

to the counties to do the IDs. If you will fund this for the counties I probably wouldn't have any problem with this, but the way the election is going now it has cost the county more over $6,500.00 for the primary election than ever before for an election. This is all because of the HAVA regulations. This was not to cost the counties anything. I hate to see what this general election is going to cost me. I did not have any rotations in the primary, but with the general I have a bunch. Just got my proofs for the ballots and had 256 pages for 10 precincts. This is because of all the splits I now need to have because of the consolidations everyone wanted also. I'm sure this election will more than cost me all of the budget of $26,000.00. You may think this is a drop in the bucket, but for our small area it isn't, since I have never spent more than $12,800 in any other budget year.

Our county is up against the levy limit now so don't know where this money is going to come from.

Please provide for all of the funding, not just to the state, for these IDs.

Thank you

SANDRA STELLING,
Jefferson County Clerk,
Register of Deeds.

DEAR REPRESENTATIVE MILLENDER-MCDONALD: I am vehemently opposed to H.R. 4844. As an election official in Anderson County, TN, I can assure you that the provisions of this legislation will have an adverse affect on many of the people I serve every day.

During my tenure as an election administrator, the trend has been to remove barriers to voting, this bill throws logs in the roadway to exercising the right to vote. The need to prove citizenship has never been required and doing so now will deny voting rights to many who have voted all their adult lives.

Many individuals in our east Tennessee county do not have birth certificates let alone passports—furthermore they do not have the money or the wherewithal to secure either.

You need to know that our voter registration forms require that an individual registering to vote attests to their citizenship when they register and to answer untruthfully subjects that person to prosecution.

What bothers me as much as anything is that the bill has a disproportionate impact on the elderly, the disabled, the poor and ethnic minorities in our county.

Our constitution guarantees the right to vote and this law can potentially affect that basic right.

I urge you to vote against this legislation when it comes before your committee.

JO ANN GARRETT,
Administrator of Elections,
Anderson County, TN.

Mr. EHLERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I wish I had more time to respond to all of the erroneous comments that have been made. Some of them may have been pertinent as relating to the original bill as introduced. But I wish all those commenting would have read the amended bill that we have before us now.

There has been much discussion about poll taxes. Absolute nonsense. I would never stand for putting a poll tax on any citizen of this country. There is no poll tax. We specifically provided that the State and the Federal Government will pay for any cost. There is no poll tax in this bill.

Furthermore, it is said the burden falls on the poor. Again, nonsense. We help the poor. There is no burden on the poor. We assist them by helping them prove citizenship and paying for it. So when they apply for Social Security, when they apply for Medicare, when they apply for prescription drug coverage, they will have proof of citizenship in hand.

□ 1515

This benefits the poor. It benefits those who do not have citizenship, because we help them to prove citizenship and we pay for it.

This bill is designed to cut down fraud. I put the question, Where is the fraud? Several have said, there is no fraud. There is fraud.

In the 2000 election in Philadelphia, they had 103 percent of the voter turnout in one precinct. That is fraud. When you have the number of voters who appeared was greater than the number registered for a district, that is fraud.

Then there is the gubernatorial race in the State of Washington. The final result that judges certified, was that the number of illegal votes cast was over 1,000 percent greater than the margin of victory for the winner of that race. That is fraud. Conclusioin: There is fraud in voting in this Nation.

It is time for us to get rid of fraud in voting in this Nation. This bill will make a big step towards doing it. It will not endanger anyone's right to vote. It is not a poll tax. It helps citizens to vote legally.

Mr. DEFAZIO. Mr. Speaker, I want to take a minute to explain my opposion to H.R. 4844, the so-called Federal Election Integrity Act. Proponents of this legislation claim to be ensuring the integrity of our election system against voter fraud and voting by noncitizens. That is a goal I share. However, the hastily written legislation threatens the privacy of Oregonians due to the unique nature of our full vote-by-mail system.

I do strongly support the goal of establishing more secure identification for American citizens. That is why I voted in favor of the REAL ID Act. The legislation fulfilled a recommendation made by the bipartisan 9/11 Commission that the federal government set standards for the issuance of driver's licenses. The REAL ID Act established minimum document standards for issuing drivers licenses and limited the issuance of licenses only to those who can prove they are American citizens or are migrants who are legally in the United States. This bill, when fully implemented by 2008, will address many of the concerns about proving citizenship that H.R. 4844 raises.

The problem with H.R. 4844 is not its requirement of proof of citizenship when registering to vote, but its continual requirement to present such proof every time a citizen votes.

In my state we conduct all elections by vote-by-mail. This bill requires citizens voting by mail to submit photocopies of documents proving their citizenship along with their ballot every single time they vote. That means, at least twice a year, the 2.1 million Oregonians registered to vote will have to provide the same photocopied birth certificate, passport, driver's license etc. along with their ballot to election officials. This extra paperwork creates a big burden for citizens and election officials alike in Oregon. Under the current system in Oregon, election officials match the signature on your ballot with our signature that's on file. That should be sufficient to confirm your identity. Repeatedly submitting photocopied proof of sensitive documents is not necessary.

I also have serious privacy concerns about what is done with the sensitive, personally identifiable information that will be required to be submitted by millions of Oregonians. How long must election officials keep these sensitive documents on file? How should they be disposed of? Who has access to the documents and under what circumstances? How can the information in the documents be used? The bill is silent on these issues.

Further, this bill requires Oregonians to repeatedly submit this personal information despite the lack of evidence of a voting fraud problem in Oregon. According to the Oregon Secretary of State, since 1991, over 10 million votes have been cast in Oregon. Of those 10 million votes, only 10 people have met the criteria that would want an investigation into their citizenship. Of those ten, two have been prosecuted. So the level of fraud in Oregon over the last 15 years has been 1 in 5 million votes, and these two instances were prosecuted. It is important to keep in mind that the penalties for voting fraud are already severe. Immigrants who try to vote are automatically given a one-way ticket home, no criminal conviction is necessary.

If the majority was truly concerned about guaranteeing the integrity of federal elections, we should be focusing on widespread concerns about new electronic voting technology. Concerns and questions over the integrity of these machines have been proven in recent elections. Machines fail, votes are lost, hard drives are damaged. Secure and auditable electronic voting machines that provide a paper ballot for verification should be the focus of Congress, not this hastily written bill.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.R. 4844, the Federal Election Integrity Act.

This legislation would require individuals voting in federal elections to provide photo identification that also shows proof of citizenship in order to vote.

I am extremely concerned that this legislation would disenfranchise many eligible voters and depress voter turnout. Congress and the states should pass measures to increase, not decrease, voter turnout, and to encourage eligible voters to go to the polls.

Studies indicate that illegal voting or voter fraud is extremely rare, and such behavior is already punishable by law. However, we have numerous documented instances of actual problems in our electoral systems which are not addressed by this legislation, such as improper purging of voters from the rolls and distributing false information about when and where to vote. In my own state of Maryland in last Tuesday's primary election, we experienced numerous problems with voters being turned away because of malfunctioning computer voting machines, a lack of provisional paper ballots, and poorly trained or absent poll workers.

This legislation would have a disproportionate impact on economically disadvantaged persons—such as the homeless, the elderly, persons with disabilities, frequent movers, and

other minority groups and persons of color—who are far less likely to have current state-issued identification. Requiring voters to bring identification to the polls will serve as a poll tax for some eligible voters, who can afford neither the cost nor time to obtain a new or duplicate drivers' license, passport, or birth certificate. The bill contains weak provisions to reimburse states that cover the cost of issuing identifications to indigent individuals. Indeed, Congress has yet to fully fund implementation of the Help America Vote Act (HAVA) of 2002, passed after the 2000 presidential election which disenfranchised many eligible voters.

Finally, proof of citizenship requirements will severely hamper the ability of nonpartisan organizations to conduct voter registration campaigns within minority communities, by limiting what documents can be accepted as valid identification for the purpose of registration.

I note that several leading voting rights groups have opposed this legislation, including the NAACP, League of Women Voters, and the U.S. Public Research Interest Group. The AARP has also opposed this legislation, which may disenfranchise older Americans.

The National Conference of State Legislatures (NCSL) and the National Association of Counties (NACO) also oppose this legislation. NCSL wrote that this ''ill-advised bill . . . places a potentially huge unfunded mandate on states . . . and would preempt current states' voter identification requirements.''

Just a few months ago I was pleased to cosponsor and vote for legislation to reauthorize the historic Voting Rights Act of 1965 for another 25 years. Discrimination and prejudice still exist against minority voters, in addition to disenfranchisement at the polls caused by faulty equipment or poorly trained poll workers. We must redouble our efforts to make sure that every eligible vote is counted, and that this democracy does not continue to shamefully turn away eligible voters at the polls.

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 4844, the Federal Election Integrity Act.

Since the passage of the Help America Vote Act, this body—led by the Committee on House Administration on which I proudly serve—has paid careful attention to our electoral process and has considered several recommendations on how we can improve the way we vote.

One such recommendation came from the bipartisan Commission on Federal Election Reform which was headed by Former President Jimmy Carter and Former Secretary of State James Baker and recommended that in order to deter and detect voter fraud, we should require photo IDs at the polls.

In this day and age, it is shocking that we still do not verify U.S. citizenship when people vote. Motor-voter laws have allowed driver's license applicants to simply check a box to register to vote regardless of whether they are a U.S. citizen.

This loophole has facilitated the many instances of non-citizen voting that I we have heard about today.

While there may be disputes about the nature and extent of voter fraud, there can be no dispute that it occurs. In close elections even a small amount of fraud can affect the outcome. Do we really want foreigners to cast the deciding votes in our elections?

When an illegal immigrant casts an illegal vote he does more than break the law. He is canceling out a legal vote and robbing Americans of our constitutional right to be heard in an election.

The Federal Election Integrity Act that we are debating today can help restore integrity to our elections.

Requiring individuals who vote in a Federal election to provide proof that they are a United States citizen will help prevent voter fraud—plain and simple. It is the best way to ensure the utmost accuracy in realizing the will of the American people.

In short, requiring a photo ID is the best way to make sure that only U.S. citizens are casting ballots.

Contrary to what the critics would have you believe, this isn't a radical idea. Showing proof of identification and citizenship is warranted and commonplace in today's society.

Individuals are required to have photo identification to engage in routine activities such as boarding an airplane, entering a government building, purchasing cigarettes and cashing a check. Our voting system deserves at least as much protection as these other activities.

Democrats have argued that this bill will disproportionately affect racial minorities and have even alleged that this is one of the motives behind our Republican Leadership bringing this bill to the floor today. These claims are outrageous and unsubstantiated—voter fraud affects us all.

In fact, under this bill states must provide the necessary photo ID free of charge to individuals who cannot afford to pay. This bill is simply about protecting the will of all Americans.

When an illegal vote is cast, an American citizen with the constitutional right to have his vote counted becomes disenfranchised, regardless of race.

When voting, our citizens should be able to trust that the system will honor their voice and reveal the will of the American people. I urge all my colleagues to join me in protecting the rights of every American by supporting the Federal Election Integrity Act.

Mr. HOLT. Mr. Speaker, today I rise to object strongly to the voter disenfranchisement proposal before us.

According to the Election Assistance Commission's comprehensive Survey of the 2004 election, there were more than 197 million voting-age American citizens at that time. According to the Brennan Center for Justice in its September 2006 voter identification study, as many as 10% of eligible voters do not have, and maybe will not get, the documents required by strict voter ID laws. Thus, the very first thing this bill will do is disenfranchise as many as 20 million eligible voters.

Who are these 20 million voters? The poor. The elderly. The disabled. Persons of color. Native Americans. Students. Why would anyone vote in favor of disenfranchising these citizens?

The Help America Vote Act (HAVA) was an imperfect bill, but it did reach a bipartisan compromise on voter identification. HAVA's already-existing requirements for voter identification and the integrity of voter registration rolls go on for pages. Among the requirements:

States must make ''a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters;''

Voter registration applications may not be ''accepted or processed'' unless they include an applicants driver's license number or, in the case of voters who don't have one, ''the last 4 digits of the applicants Social Security number;'' or, in the case of voters with neither, a ''unique identifying number'' assigned by election officials;

First time voters who registered by mail and did not present ID must show photo ID at the polls when they vote.

Voters can't get around that requirement by voting absentee—first time voters who registered by mail and did not present ID must send a copy of a photo ID with their mail-in ballot.

And HAVA provides for criminal penalties for violations for the foregoing—''any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such citizen . . . shall be fined, imprisoned [for up to five years], or both.''

The measure before us is a solution in search of a problem. The Department of Justice (DOJ), in its ''Report to Congress on the Activities and Operations of the Public Integrity for 2004,'' reported that at the end of 2004, the Public Integrity Section had approximately 133 election crime matters pending nationwide. That is an average of just over two cases per state for the entire year—hardly an avalanche. In addition, most of the cases described in the report concerned campaign finance violations, not voter fraud. Only one described a vote-buying scheme, and none referred specifically to non-citizen or double voting. On the other hand, the same Report noted that a total of 1,213 public officials had been charged with corruption in 2004, that 1,020 of them had been convicted of corruption, and that 419 cases remained pending. In other words, according to the DOJ's own findings, the problem of corruption among public official is at the very least ten times worse than the problem of citizens cheating in elections.

Meanwhile, other studies have found that instances of double voting and voting using another's identity are virtually non-existent.

Washington State—a study of 2.8 million ballots cast in 2004 showed that only 0.0009 percent of them reflected double voting or voting in the name of deceased individuals.

Ohio—a statewide survey found a mere four instances out of more than 9 million votes cast where ineligible persons voted or attempting to vote in 2002 and 2004—a rate of 0.00004%.

Georgia—(which recently passed one of the strictest voter ID laws, which was subsequently struck down); Secretary of State Cathy Cox stated that in her ten-year tenure, she could not recall one documented case of voter fraud involving the impersonation of a registered voter at the polls.

I have introduced legislation, the Electoral Fairness Act of 2006 (H.R. 4989), that would require that all voters, upon being duly registered, be issued a durable voter registration card at no cost to the voter, ''which shall serve as proof that the individual is duly registered to vote'' at the polling place which services the individual's address. The bill would preserve HAVA's existing voter ID requirements, but add no more, an the voter registration cards would serve strictly to protect voters who are removed from the voter rolls wrongfully or erroneously.

My legislation would protect the 1.2 million voters who were, in fact, wrongfully denied access to a regular ballot in 2004 when they

showed up at polling places. The legislation before us, in the absence of meaningful or documented justification, would leave those 1.2 million voters in jeopardy of wrongful disenfranchisement and add 20 million more to the pile. In the name of solving a problem that is evidently a tiny problem these legislators—at great expense to individuals and to states—would add requirements that will turn away legitimate, deserving, honest voters. This is poll tax, pure and simple, and I urge my colleagues to vote it down.

GROUPS OPPOSING H.R. 4844

A. Philip Randolph Institute; ACORN; Advancement Project; Aguila Youth Leadership Institute; Alliance for Retired Americans; American Association of People with Disabilities; American Association of Retired Persons (AARP); American Civil Liberties Union; American Civil Liberties Union of Arizona; American Federation of Labor—Congress of Industrial Organizations (AFL–CIO); American Federation of State, County and Municipal Employees; American Immigration Lawyers Association; American Policy Center; Americans for Democratic Action; Arizona Advocacy Network; Arizona Consumers Council; Arizona Hispanic Community Forum; Arizona Students' Association; Asian American Justice Center; Asian American Legal Defense and Education Fund; Asian and Pacific Islander American Vote (APIAVote); and Asian Pacific American Labor Alliance, AFL–CIO.

Brennan Center for Justice at NYU School of Law; Center for Digital Democracy; Common Cause; Computer Professionals for Social Responsibility; Concerned Foreign Service Officers; Congressional Hispanic Caucus; Consumer Action; Cyber Privacy Project; Democratic Women's Working Group; Dēmos : A Network for Ideas & Action; Electronic Privacy Information Center; Emigrantes Sin Fronteras; Fairfax County Privacy Council; Friends Committee on National Legislation; Hispanic Federation; Hispanic National Bar Association; Interfaith Worker Justice of Arizona; Intertribal Council of Arizona; Japanese American Citizens League (JACL); La Union Del Pueblo Entero (LUPE); Labor Council for Latin American Advancement; and Lawyers' Committee for Civil Rights Under Law.

Leadership Conference on Civil Rights; League of United Latin American Citizens; League of Women Voters of Greater Tucson; League of Women Voters of the United States; Legal Momentum; Mexican-American Legal Defense and Educational Fund; National Association for the Advancement of Colored People (NAACP); National Association of Latino Elected and Appointed Officials Educational Fund; National Center for Transgender Equality; National Congress of American Indians; National Council of Jewish Women; National Council of La Raza; National Disability Rights Network; National Education Association; National Korean American Service & Education Consortium; National Urban League; National Voting Rights Institute; Navajo Nation; New York Public Interest Research Group, Inc./NYPIRG; Ohio Taxpayers Association & OTA Foundation; People for the American Way Foundation; and Project for Arizona's Future.

Protection and Advocacy System; RainbowPUSH Coalition; Republican Liberty Caucus; SEIU Local 5 Arizona; Service Employees International Union (SEIU); Sikh American Legal Defense and Education Fund (SALDEF); Somos America/We Are America; Southwest Voter Registration Education Project; The Multiracial Activist; The Rutherford Institute; Tohono O'odham Nation; Transgender Law Center; U.S. PIRG; Unitarian Universalist Association of Congregations; United Auto Workers; United Church of Christ Justice & Witness Ministries; United Methodist Church, General Board of Church and Society; United States Student Association; United Steelworkers; UNITE–HERE; Velvet Revolution; William C. Velasquez Institute; and YWCA USA.

Mr. HASTINGS of Washington. Mr. Speaker, I strongly support ensuring that only American citizens vote in our Nation's elections. The right to vote of all Americans is diminished if ineligible and illegal votes are cast. That is the goal and intent of this bill, which is why I vote to move this bill forward today.

There are provisions of the bill, however, that have me greatly concerned about the impact it would have on Washington state voters who are required to vote by mail. The bill would mandate that voters photocopy their driver's license and mail that copy in with their ballot. This places a heavier burden on mail voters than poll voters. It creates a higher hurdle for mail voters to get their vote counted. And it raises serious questions about personal privacy and the potential for identity theft. These requirements are not acceptable and must be addressed during any conference committee talks with the Senate.

Chairman EHLERS has given his assurance that the mail voting provisions will be addressed in a conference, and specifically that the views of Washington's Secretary of State will be heard. I appreciate this commitment and believe there are certainly far less burdensome ways to ensure only citizens are casting mail-in ballots.

Clearly, Washington and Oregon stand out among other states when it comes to voting by mail and federal law must respect differences among the fifty states.

Action needs to be taken to ensure only citizens are casting ballots in elections and that is why I vote to move this bill forward today, but I will oppose and vote against any final bill or conference report if my concerns on the mail voting requirements are not addressed.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to H.R. 4844, the so-called Federal Election Integrity Act of 2006. Beginning in 2008, this bill imposes a requirement that eligible voters must present a government-issued photo identification and beginning in 2010, eligible voters must present a government-issued photo identification that would prove they are a citizen.

Proponents of this bill claim that requiring a photo identification and proof of citizenship to vote will combat voter fraud. But, too often, anecdotal stories are put forth as evidence to prove the claim they are using to make the case for this bill. However, there is no concrete evidence to back up the need for this proposal. According to Demos and People for the American Way, to date there have been no major studies to document actual election fraud in the United States. Furthermore, according to the Leadership Conference on Civil Rights, nationally since October 2002, only ''86 individuals have been convicted of federal crimes relating to election fraud, while 196,139,871 ballots have been cast in federal general elections.'' There needs to be more safeguards to protect the integrity of the electoral process, but this can only be done by addressing actual problems that are currently undermining voting rights, almost all of which have the effect of disenfranchising eligible voters. The bill doesn't address voter intimidation and discrimination at the polls and it doesn't take into account the costs to states to implement the requirements of H.R. 4844, making it an unfunded mandate.

This bill is not just guilty of being a solution in search of problem. It actually will create a problem. The real impact of this bill will undoubtedly be an increase in voter disenfranchisement, because the burden and cost involved in obtaining the identification required would likely discourage many Americans from voting, an essential Constitutional right. Also, even though H.R. 4844 has a provision that requires states to give free photo identification to those who cannot afford them, it does not take into account the time and cost that eligible voters would incur to get the supporting documents needed to obtain this required identification. Essentially this forces people to pay for their Constitutionally guaranteed right to vote.

Mr. Speaker, the burden that this legislation creates falls squarely on the shoulders of seniors, and the disabled. The AARP is strongly opposed to this bill because of the disproportionate impact it has on seniors. Many seniors no longer drive and therefore do not have a driver's license, many were born at home by midwives and do not have a birth certificate, and have limited mobility, making it extremely difficult for them to obtain a government-issued identification to meet this bill's requirements. Even those who wish to vote by provisional ballot are required to present the required identification for their vote to be counted.

Elections should be open to all eligible voters and as Members of Congress we should be enacting legislation that encourages more Americans to vote, not erecting new barriers to voting. Laws such as the groundbreaking Voting Rights Act of 1965 were enacted to create a more inclusive democracy by making voting easier. H.R. 4844 will seriously undermine that goal and will be a disservice to the memories of those courageous civil rights heroes who fought for its implementation.

I urge all of my colleagues to oppose H.R. 4844.

Mr. BLUMENAUER. Mr. Speaker, three months ago we stood on this floor debating the reauthorization of the Voting Rights Act (H.R. 9) in an effort to make sure elections are fair, that every vote is counted, and that people have equal access to the polls. Yet today we are faced with the Federal Election Integrity Act of 2006 (HR 4844) which would directly disenfranchise people of color, rural voters, young people, low-income people, the elderly, and individuals with disabilities.

At a time of decreased voter participation, it seems unwarranted to impose extraneous burdens on eligible citizens who want to participate in the democratic process. The identification requirements imposed by this legislation serve as a strong reminder of the poll taxes imposed by many Southern states in the 1950s to prevent poor and black Americans from voting.

According to the Department of Transportation, currently 6–12 percent of eligible voters do not have the proper identification mandated by this legislation. Acquiring the required documents places a huge time and financial burden on those least able to afford. For instance, a U.S. passport costs approximately $85, while replacing naturalization documents can cost up to $210.

This legislation creates an outrageous burden on my state of Oregon. In 1998, Oregon voters passed an initiative requiring that all elections be conducted by mail. Should this bill pass, our voters would be required to photocopy their identification every time they wanted to vote which further hampers the accessibility to vote by mail. As for voter fraud, during the last 15 years of general elections over 10 million votes have been cast by Oregon voters and yet only 10 people have met the criteria to warrant an investigation.

This legislation discourages voter participation, many who continue to lose confidence in our electoral system, while enabling voter discrimination in select communities. Overall, this legislation tries to create a solution to a voter fraud problem regarding voter identification that does not exist, while overlooking obvious and real problems.

Just last week during Maryland's primary elections many voters were delayed or turned away. In one county computer cards were not delivered to precinct workers while in another computers incorrectly read party affiliation and could not be tabulated.

Anyone who examined what happened in Ohio last election cycle, including voting problems and potential abuse due to the under funded and ill-thought-out congressional meddling, must wonder what will happen in the 2008 election.

Every American should be alarmed and outraged by Congress indulging in partisan political shenanigans regarding elections rather than implementing long overdue protections for the integrity of the ballot box.

Mr. CROWLEY. Mr. Speaker, I rise in strong opposition to this so-called Voter ID Act.

Sensing electoral defeat in the fall, the Republicans have done what they always do—act desperate and deflect attention.

Mandating voter IDs to prove citizenship will do nothing to protect our homeland security, make the voting process more secure, insure every vote is counted or keep non-citizens from voting.

News flash to my colleagues, the fear that non-citizens may vote is not what is keeping my constituents up at night.

Completing the war on terror, finding Osama bin Laden, bringing our troops home, and figuring out how to pay for their kids college education are the issues my constituents care about.

Not passing a not-needed bill for a total non issue.

Today, we are mandating citizenship IDs at the polling places, in a voter disenfranchisement act that would make Bull Connor smile from below.

The Republicans continue to place all the blame on immigrants instead of accepting the blame themselves that they dropped the ball on comprehensive immigration reform, they dropped the ball on homeland security by underfunding our ports and border security and they dropped the ball on the war on terror.

There is a problem at the ballot box, but it isn't illegal immigrants voting, The problem is that American citizens aren't voting.

Instead of promoting voter participation, this bill creates disincentives.

Instead of encouraging voter participation by all Americans, we are adding roadblocks.

Instead of building one America, we are creating a divisive America.

This is a solution in search of a problem.

I urge my colleagues to oppose this legislation.

Ms. MATSUI. Mr. Speaker, while this bill is entitled the Federal Election Integrity Act, that is highly deceptive. Make no mistake; there is no integrity in trying to deny thousands of legal voters their right to vote.

Voting is a sacred right. A right that, unfortunately, seems to be under attack in this Congress. It was barely two months ago that this body voted on a bipartisan basis to reauthorize crucial provisions of the Voting Rights Act—the nation's most effective mechanism for protecting minority voting rights. But now, as we debate H.R. 4844, that vote seems disingenuous. H.R. 4844 is a misguided approach that would add unnecessary obstacles to the voting process. Congress should not be in the practice of disenfranchising voters under the guise of protecting the right to vote. Unfortunately, that's precisely what this bill would do.

This legislation is quite likely to be struck down by the Supreme Court. As recently as yesterday, state photo ID laws were found to be unconstitutional. This is because photo ID laws disproportionately affect racial and ethnic minorities, the elderly, people with disabilities, rural voters, students, the homeless, low-income people, and frequent movers.

Many of our constituents would be at risk of not being able to vote because they do not have the time, money or ability to obtain their birth certificates or their passports. And let us not forget the hundreds of thousands of Hurricane Katrina victims, now dispersed across the country, who lost their birth certificates in the muddy waters left by the hurricane.

Since consideration of this bill began, many of our colleagues have shared their own personal stories of not being able to obtain their birth certificates, or being turned away at the voting booth. The same is true for one of my constituents in Sacramento who contacted me because he was experiencing difficulty proving he was an American citizen. Adopted as a child by a member of the Armed Forces, the crux of the problem centered around the fact that his adopted father was born in the south and did not have a birth certificate. If this legislation were in place, my constituent may have been turned away at the polls. That is unforgivable and it is unconstitutional. I am sure this is just one example of many.

What's even more alarming is that we are debating a bill that seeks to rectify a problem that hardly exists. Worse still, there are already laws on the books to address this very issue. Instead of just enforcing those laws, this bill is an attempt to scare voters by inferring that illegal immigrants and others in our country are misrepresenting their identity when they go to vote. The truth is that there is little proof of that.

What we do have proof of are the problems with our voting system. That's what Congress should be working on now. We need to be working on laws that ensure that our voting machines are not susceptible to tampering and that those machines have a paper trail—laws that ensure every vote is counted.

That is what my constituents are writing to me in the hundreds about. They are distrustful of the voting machines and with good reason. Just last week, a professor at Princeton hacked into a Diebold e-voting machine. Clearly our voting machines are vulnerable to malicious attacks and potential voter fraud.

Rather than address these serious concerns before a major election, this Congress has decided to take up a bill that seeks to limit the rights of legal voters. Congress must work on ways to encourage voter participation, not create undue obstacles to vote. I urge Members to vote against this denial of voting rights.

Mr. GREEN of Texas. Mr. Speaker, I rise today to oppose H.R. 4844.

I am a strong supporter of re-establishing the integrity of our elections. The last 6 years have exposed serious flaws in the way we conduct elections.

We use electronic forms of voting that cannot be audited, there is no verification system in place and we all remember the month that this country stood still while we tried to figure out who won the Presidential election in 2000.

In the countless election problems this country has seen recently, none of them were because of voting by non-citizens.

H.R. 4844 would require voters to present government-issued I.D. in order to vote. Currently, that document is a U.S. Passport. Aside from the impact this would have on minority voters, this will also impact the elderly.

Under the bill, mail-in ballots would have to include a photo copy of an ID proving that you are a citizen. Currently, that document is a U.S. passport.

Seventy-five percent of Americans don't have a passport and many of the senior citizens in my district don't have the resources to pay $97 dollars to get a passport.

Forcing Americans to spend their hard earned money to get a passport or some other form of identification in order to vote sounds a lot like a poll-tax.

Finally, it is already illegal to vote if you are not a citizen. State and local officials are already able to enforce these laws. Secretaries of State and County Clerks have the authority to remove ineligible voters from the rolls to prevent voter fraud.

This system works and there is no need for this legislation.

If we want to address election integrity, let's talk about providing a paper-trail and having audits of election returns so we can ensure every vote is counted come election day.

I urge my colleagues to vote against H.R. 484.

Mr. CONYERS. Mr. Speaker, it is amazing to me that during the 40th Anniversary of the historic passage of the Voting Rights Act, that anyone could propose mandating nationwide photo ID requirements. Given the cost, difficulty and bureaucracy involved in obtaining photo ID for many minorities, elderly, and indigent, the idea of a national voter ID and proof of citizenship requirement amounts to nothing less than a 21st Century Poll Tax, that could disenfranchise as many as 20 million American voters.

A NATIONAL VOTER ID REQUIREMENT WILL OPERATE AS A POLL TAX

We all know that the States will never fund an unfunded mandate, and even if they do, for many Americans it will be quite difficult, extensive, and time consuming to obtain the requisite ID cards. Georgia, which just enacted a new voter ID requirement did not even bother to provide an office in Atlanta.

Data developed during the debate over the Georgia voter ID bill indicated that 36 percent of Georgians over the age of 75 do not have a driver's license and that African-Americans in Georgia are nearly five times less likely

than whites to have access to a motor vehicle and thus even to need a driver's license.

Moreover, in Georgia, residents who do not have a driver's license must buy a State ID card to vote, at a cost of $20 for a five-year card or $35 for 10 years. For many living on a fixed or low income, $20 to $35 is cost-prohibitive. People should not be forced to choose between a bag of groceries, needed medications, or the right to vote.

In addition, the proof of citizenship requirements that are outlined in this bill will place on the voter the difficult, time consuming, and costly burden of obtaining the necessary documentation to prove citizenship in order to cast a ballot.

A NATIONAL VOTER ID AND PROOF OF CITIZENSHIP REQUIREMENT WILL LEAD TO DISCRIMINATORY IMPLEMENTATION AND WILL DISPROPORTIONATELY BURDEN PEOPLE OF COLOR

There is strong empirical evidence that photo ID requirements disproportionately burden people of color.

In 1994, the Justice Department found that African-Americans in Louisiana were 4 to 5 times less likely to have government-sanctioned photo ID than white residents. As a result, the DoJ denied pre-clearance for that State's proposed photo ID requirement because they found that ''it would lead to retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.''

Moreover, in 2001, the Carter-Ford National Commission on Election Reform found that identification provisions at the polls are selectively enforced. Even in places that do not require voters to show ID, poll workers are known to ask certain voters to prove their identity, in many cases demanding ID from minority voters, but not whites.

MANY AMERICANS DO NOT AND WILL NOT HAVE THE REQUISITE STATE-ISSUED PHOTO ID OR PROOF OF CITIZENSHIP REQUIREMENTS

In 2005, the Carter-Baker Commission on Federal Election Reform estimated that 10 percent of voting-age Americans do not have a drive's license or a state-issued non-driver's photo ID. That translates into as many as 20 million eligible voters who will not be allowed to vote on Election Day.

Moreover, proof of citizenship requirements, such as the one proposed in this bill, are impossible for members of some communities to acquire and very hard for others. It is widely known that in certain parts of the country, elderly African-Americans and many Native Americans were born at home, under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, the elderly, and low-income citizens are among the demographic groups least likely to have documents in their possession to prove citizenship.

Further, for victims of natural disasters like hurricanes Katrina and Rita, it may be impossible to obtain birth certificates or other documents because they have been destroyed.

AN ID CARD SYSTEM WILL LEAD TO A SLIPPERY SLOPE OF SURVEILLANCE AND CITIZEN MONITORING

A national voter ID card system would significantly diminish freedom and privacy in the U.S. because once put in place, it is unlikely that such a system would be restricted to its original purpose. A national voter ID system would threaten the privacy that Americans have always enjoyed and will gradually increase the control that government and business wields over everyday citizens.

CONCLUSION

We all want clean elections. But that is not what legislation like H.R. 4844 will accomplish. A federally mandated voter ID and proof of citizenship requirement will make it harder for people to vote, and not just people generally, but lawfully registered voters who happen to be seniors, young people, living in cities, lower-income and minorities. That is an effect clearly at odds with our most fundamental values as Americans.

Voting is an invaluable right—the one that guards all of our other rights and ensures every American an opportunity to participate in our democracy. We must do everything in our power to make voting easier, not harder, and to resist the imposition of new requirements to vote that do not serve a fair and compelling purpose that actually promotes our democracy.

I urge my colleagues to vote ''no'' on H.R. 4844—the so-called ''Federal Election Integrity Act of 2006''.

Mr. ORTIZ. Mr. Speaker, it almost seems that each day that goes by, this Congress stands idly by while we lose more and more of our fundamental rights.

When there is voter fraud—anywhere, anytime election officials must react immediately to right the problem.

And at every turn in this democracy, we must work to increase what is still an anemic voter turnout in the world's leading democracy.

Where's the problem to solve?

The voting problems in recent mid-Atlantic areas were related to the new electronic devices that neither voters—nor poll workers—were familiar with using.

This bill is not about integrity or reducing voter fraud—it is all about depressing the number of voters in U.S. elections by requiring all citizens to show proof of citizenship in order to vote.

This Congress would have voters show both a drivers license and a birth certificate in order to cast a vote.

Where's your birth certificate?

Ask those you know born in this country—do you know how to put your hands on your birth certificate?

Imagine the difficulty for the elderly, students, the disabled, Native Americans and other minorities in finding that document . . . or perhaps that was imagined when this scheme was conceived.

Members of this House should not fear great numbers of voters in elections—we must encourage it.

Hispanics in South Texas will be profoundly impacted by this legislation.

This bill will suppress turnout and intimidate voters—which is a slap in the face of democracy and our Constitution.

Millions of Americans will be denied their right to vote because this Congress is so determined to address a problem that does not really exist.

This bill imposes the 2nd poll tax on voters—through this 2nd unfunded mandate for voting requirements on the states.

Let us not move backwards on this matter.

In my very first election—as Constable in Nueces County, Texas, in 1964—the poll tax was in its final throws . . . but was still the law in Texas.

My mother borrowed against her house to help offset my filing fee . . . and to help my voters pay the poll tax.

Let's not ever see that day again where citizens are taxed in order to vote . . . let's stop putting unfunded mandate on our states . . . and let's seek more ways to increase voting, not suppress it.

We've come too far on civil rights in this Nation to move backwards.

Let us act boldly . . . let us find ways to increase voting in the United States, not suppress it, or tax voters to DE-crease voter turnout.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 4844, the wrongly entitled Federal Election Integrity Act. Like so many Republican window dressings, this bill might seem like a no-brainer to some. Only citizens can vote, so why not have them show their ID and prove their address and citizenship to reduce fraud? If only the real world were as simple as country club Republicans imagine.

What about students whose driver's licenses show their home address but who register to vote on campus? Nursing home residents who have been voting for over 50 years but whose documents are nowhere to be found? Low-income Americans who don't drive and have never had a state-issued identification? It's no coincidence that the people who will be disenfranchised by this bill are core Democratic constituencies. Powerful interests have figured out that there are lots of ways to institute a poll tax by another name.

What about reducing voter fraud, something we all support? It will come as no surprise to anyone who has run for office or worked in campaigns that there is little evidence of fraudulent voting. It's hard enough to convince most registered voters to go to the polls. What is the incentive to engage in voter fraud, a felony offense? In particular, there is little incentive for immigrants—against whom this legislation is targeted—to vote illegally. Voter fraud by immigrants is subject to immediate deportation without appeal. Do the sponsors of this bill really believe that thousands, or even tens, of immigrants would risk deportation to cast a single vote?

If anything shatters confidence in our election system, it is the thousands of votes that are not counted because of dimpled chads, electronic voting breakdowns, provisional ballot mishaps, three-hour lines at polling places, and the like. The Help America Vote Act, which was supposed to address some of these problems, has never been fully funded or enforced, and yet the Republican Majority wants to further restrict voting and create a new administrative nightmare for our states and localities.

I urge my colleagues to vote no on this bill, so that all Americans might have the opportunity to cast their vote in November against this desperate cling to power.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 4484, the Federal Election Integrity Act of 2006, because it will sacrifice the most fundamental right guaranteed to all American citizens by the Constitution—the right to vote. Contrary to its title, the bill will undermine the integrity of our electoral process by imposing unnecessary barriers to full participation in federal elections. The bill's requirements of proof of citizenship and photo identification as a prerequisite to voting may appear innocuous, but in reality they will create an

unprecedented regime of disenfranchisement aimed at seniors, minority voters, low income voters, students and voters with disabilities.

Mr. Speaker, this bill imposes an undue burden on eligible voters. As the United States District Court found last year in Common Cause v. Billups, 406 F.Supp.2d 1326 (N.D. Ga. 2005), when considering a Georgia law requiring ID at the polls, ''photo identification requirements unconstitutionally burden the fundamental right to vote of eligible American citizens.'' The district judge issued an immediate injunction against the law, likening it to a segregation-era poll tax because the digital picture ID would cost voters $20. The court found that these provisions disproportionately affect traditionally disenfranchised voters, including senior citizens, minority voters, poor voters, disabled voters and young voters.

And the decisions keep coming. A state judge yesterday again rejected the Georgia law requiring voters to show government-issued photo identification, writing in his decision, ''This cannot be.'' In his ruling, the judge said that the law places too much of a burden on voters, and ''Any attempt by the legislature to require more than what is required by the express language of our Constitution cannot withstand judicial scrutiny''. Lake v. Perdue, No. CV 119207 (Ga. Super. Ct. Sept. 19, 2006) In Michigan, the photo ID requirement was declared unconstitutional by the State's attorney general and his decision is now being reviewed by the State Supreme Court. In Pennsylvania, a similar voter ID bill was vetoed by the governor.

Proponents of this bill claim that these draconian constraints are necessary to guard against identity fraud at the Nation's polling places. The truth, however tells a far different story. According to the United States Department of Justice, out of 196,139,871 votes cast since 2002, only about 80 voters were convicted of federal election fraud. Mr. Speaker, when we compare the number of eligible voters that will be disenfranchised because of this bill to the number of documented cases of fraud, it's clear that this bill will do more harm than good—the cure is clearly worse than the disease.

Mr. Speaker, it's hard to believe that the same Congress that reauthorized the Voting Rights Act two months ago could now seriously contemplate passage of this bill. There is plenty that needs to be done to fix our electoral system, but instead of addressing problems that don't exist, it is our responsibility to ensure that we have a model system of choosing our elected officials—one that exemplifies the true principle of democracy and serves as an example to other nations around the world. I urge my colleagues to oppose this bill.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to the Republicans' National Voter ID act. This bill imposes new Federal ID requirements on all voters in Federal elections and would have the effect of disenfranchising millions of American citizens. H.R. 4844 requires all States to demand that voters provide government-issued identification in order to vote in the 2008 election, and a copy when voting absentee or by mail, and proof of citizenship in order to vote in the 2010 election.

Unfortunately, H.R. 4844 undoes the progress of the Voting Rights Act Reauthorization enacted just 2 months ago by imposing a 21st century poll tax. This bill would disenfranchise the elderly, people with disabilities, and minorities. The costs of obtaining the documents needed to prove you are citizen are high. A birth certificate usually costs $1– $15; and according to the State Department only 27 percent of eligible Americans have passports, which cost $97. Naturalization papers, if they need to be replaced, cost $210. While supporters of H.R. 4844 promise to help some citizens who don't have money to pay for these documents, we cannot bank on the promise from the Republican majority who have refused to honor their commitment to the Help America Vote Act.

Mr. Speaker, let me state clearly that I oppose voter fraud. Currently, there are very strong federal statues on the books to penalize voter fraud and I support their vigorous enforcement. The Help American Vote Act, which I supported, gave States resources to both expand access and prevent voter fraud. Yet, the Republican majority has under-funded the Help American Vote Act by $800 million. I oppose this legislation, and urge my colleagues to reject this 21st Century poll tax.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose H.R. 4844, and express my dismay with this distraction. I fear that actions taken today will sear doubt and weakness into one of our treasured and fundamental rights as a democratic Nation.

Not 3 months ago, we dedicated significant amounts of time land resources to reauthorize the Voting Rights Act. We celebrated the fact that these rights will be secure for another generation. And yet, with this bit!, we are reminded that these rights are fleeting, and must continually be protected.

This bill undermines the very provisions we have been fighting for—and clearly have not yet won—for over 40 years. This bill compounds the disproportionate discrimination that persists across this Nation.

This bill attempts to address a problem that does not exist, and this is crucial to understand. There is no voter fraud problem. It is simply not a documented issue. Suggesting that it may be plays into bigotry and xenophobia.

Data from the U.S. Department of Justice shows that while 196,139,871 votes have been cast in Federal elections since October 2002, only 52 individuals have been convicted of Federal voter fraud. Most of these convictions were for vote buying or for voter registration fraud, neither of which would be prevented by restrictive ill requirements at the polls.

If convicted of voter fraud, an individual can be given up to 5 years in prison and a $10,000 fine: The Department of Justice and the Federal Bureau of Investigation has an active—and fully funded—prosecution team to enforce Federal and State election laws.

In reality, the bill is a 21st century poll tax. Instead of money collected at the poll door, however, the tax will now be collected at the Department of Motor Vehicles. Congress cannot place itself on the wrong side of this debate—history will see this clearly.

The crux of discriminatory measures in this bill rests with the fact that the right to vote is tied to documents that are not readily available. The burden of obtaining these documents—whether the cost of obtaining supporting documentation, investing the time to navigate bureaucracy or the waiting period to receive the documents in the mail—is prohibitive, and yet familiar. Anyone who has waited in line at the DMV must understand what a mistake this is.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may ''infiltrate'' our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than Hurricane Katrina, we must all understand how vulnerable our system is. Families fleeing the hurricanes last summer suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. New Orleans residents were scattered across 44 States. And had difficulty registering and voting both with absentee ballots and at satellite voting stations for the April 22 city elections this year. Those elections took place fully 8 months after the disaster, and it required the efforts of non-profits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

In addition, this bill hands State governments yet another unfunded mandate. By 2010, we must all submit photo IDs with proof of citizenship in order to vote. Currently, no more than 4 States have driver's licenses or IDs that match these requirements. The only other document that does satisfy this requirement is a passport. Therefore, every State that does not have this kind of photo ID must restructure and create the ID system to provide adequate voting permits for everyone who does not have an updated passport with a current address. This would involve reissuing driver's licenses or identification cards in almost every State.

The Congressional Budget Office estimates that implementing H.R. 4844 would cost about $1 million in 2007 and $77 million over the 2007–2011 period, assuming appropriation of the necessary amounts. This exceeds the allowed amounts in the Unfunded Mandates Reform Act. In addition, CBO estimates that the cost of providing photo identification for voters who cannot afford them would be about $45 million in 2008.

This is simply ludicrous. We need to address the election fraud that we know is occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. One million ballots nationwide were spoiled by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another 2 weeks (and a full day waiting in line) to get the new Social Security card, and finally, 3–4 weeks to get the new driver's license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within 3 months of election day.

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REHBERG). All time for debate has expired.

Pursuant to House Resolution 1015, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. MILLENDER-McDONALD. I am opposed at this present time, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Millender-McDonald moves to recommit the bill H.R. 4844 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Election Integrity Act of 2006''.

SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)) is amended—

(1) in the heading, by striking ''FOR VOTERS WHO REGISTER BY MAIL'' and inserting ''FOR PROVIDING PHOTO IDENTIFICATION''; and

(2) by striking paragraphs (1) through (3) and inserting the following:

''(1) INDIVIDUALS VOTING IN PERSON.—

''(A) REQUIREMENT TO PROVIDE IDENTIFICATION.—Notwithstanding any other provision of law and except as provided in subparagraphs (B), (C), and (D), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

''(i) a government-issued, current, and valid photo identification; or

''(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

''(B) AVAILABILITY OF PROVISIONAL BALLOT.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless the individual presents the identification required under subparagraph (A) to the official not later than 48 hours after casting the provisional ballot.

''(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to any elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–6)).

''(D) EXCEPTION FOR VICTIMS OF HURRICANE KATRINA.—Subparagraph (A) does not apply with respect to any individual who certifies to the appropriate election official that the documentation which would enable the individual to obtain the identification required under such subparagraph was lost or destroyed as a result of Hurricane Katrina.

''(2) INDIVIDUALS VOTING OTHER THAN IN PERSON.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraphs (B), (C), and (D), the appropriate State or local election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot—

''(i) a copy of a government-issued, current, and valid photo identification; or

''(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a copy of a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

''(B) EXCEPTION FOR ABSENT MILITARY VOTERS AND THEIR FAMILIES.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

''(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by a elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–6)).

''(D) EXCEPTION FOR VICTIMS OF HURRICANE KATRINA.—Subparagraph (A) does not apply with respect to any individual who certifies to the appropriate election official that the documentation which would enable the individual to obtain the identification required under such subparagraph was lost or destroyed as a result of Hurricane Katrina.

''(3) SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.—For purposes of paragraphs (1) and (2)—

''(A) an identification is 'government-issued' if it is issued by the Federal Government or by the government of a State; and

''(B) an identification is one for which an individual was required to provide proof of United States citizenship as a condition for issuance if the identification displays an official marking or other indication that the individual is a United States citizen.''.

(b) CONFORMING AMENDMENTS.—Section 303 of such Act (42 U.S.C. 15483) is amended—

(1) in the heading, by striking ''FOR VOTERS WHO REGISTER BY MAIL'' and inserting ''FOR PROVIDING PHOTO IDENTIFICATION''; and

(2) in subsection (c), by striking ''subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)'' and inserting ''subsection (a)(5)(A)(i)(II)''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 303 to read as follows:

''Sec. 303. Computerized statewide voter registration list requirements and requirements for providing photo identification''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

(2) CONFORMING AMENDMENT.—Section 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is amended to read as follows:

''(2) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.—Paragraphs (1) and (2) of subsection (b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.''.

(3) EXCEPTION.—Notwithstanding paragraph (1) or section 303(d)(2) of the Help America Vote Act of 2002 (as amended by paragraph (2)), this section and the amendments made by this section shall not apply with respect to any election which is held in a State during a fiscal year for which the amount provided to the State pursuant to the authorization under section 297A of such Act (as added by section 3(c)) is not sufficient to cover the costs incurred by the State in carrying out the amendments made by section 3.

SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.

(a) REQUIRING STATES TO MAKE IDENTIFICATION AVAILABLE.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by section 2(a)(2), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

''(A) IN GENERAL.—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the State but who do not otherwise

possess a government-issued photo identification.

''(B) IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.—If a State charges an individual a fee for providing a photo identification under the program established under subparagraph (A)—

''(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and

''(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

''(C) IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections.''.

(b) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Section 303(b) of such Act (42 U.S.C. 15483(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(7) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Not later than December 31 of each year during which a regularly scheduled general election for Federal office is held (beginning with 2008), each State shall submit a report to the Commission on the number of individuals in the State who were registered to vote with respect to the election but who were prohibited from casting a ballot in the election, or whose provisional ballots were not counted in the election, because they failed to meet the requirements of paragraph (1) or (2).''.

(c) PAYMENTS TO STATES TO COVER COSTS.—Subtitle D of title II of such Act (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

''PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

''SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.

''(a) PAYMENTS TO STATES.—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to afford the fee that would otherwise be charged under the program.

''(b) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this part for any year shall be equal to the amount of fees which would have been collected by the State during the year under the program established under section 303(b)(4) but for the application of section 303(b)(4)(B)(ii), as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

''SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for payments under this part such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.''.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to subtitle D of title II the following:

''PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

''Sec. 297. Payments to cover costs to States of providing photo identifications for voting to indigent individuals.

''Sec. 297A. Authorization of appropriations.''.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect October 1, 2007.

SEC. 4. REQUIREMENTS PRIOR TO IMPLEMENTATION OF NEW VOTER IDENTIFICATION REQUIREMENTS.

(a) AVAILABILITY OF FUNDING FOR STATES.—The amendments made by this Act shall not take effect unless—

(1) the amount provided to States pursuant to the authorization under section 297A of the Help America Vote Act of 2002 (as added by section 3(c)) is sufficient to cover the costs to the States of meeting the requirements of section 303(b)(4) of such Act (as added by section 3(a)); and

(2) the amount provided to States for requirements payments under subtitle D of title II of such Act is sufficient to cover the costs to the States of meeting the requirements of title III of such Act (other than section 303(b)(4)), taking into account the additional requirements imposed by the amendments made by this Act.

(b) REQUIRING ACCESS TO PHOTO IDENTIFICATIONS PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS.—The amendments made by this Act shall not take effect unless the Election Assistance Commission reports to Congress that not less than 95 percent of the voting age population of the United States has obtained photo identification which meets the requirements of the Help America Vote Act of 2002 which are added by the amendments made by this Act, and that individuals who were not able to afford the fee imposed by a State for the identification were provided the identification free of charge by the State.

(c) REQUIRING CERTIFICATION BY ATTORNEY GENERAL, CHIEF STATE ELECTION OFFICIAL, AND GOVERNOR PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS IN STATE.—

(1) CERTIFICATION.—The amendments made by this Act shall not apply with respect to elections held in a State unless the chief executive of the State, the chief State election official of the State, and the Attorney General certify to Congress that, on the basis of clear and convincing evidence—

(A) voting by noncitizens in the State is a persistent and significant problem; and

(B) the remedies and prohibitions applicable under the laws in effect prior to the implementation of the amendments made by this Act are insufficient to prevent and deter this problem.

(2) DEFINITIONS.—In this subsection—

(A) the term ''chief State election official'' has the meaning given such term in section 253(e) of the Help America Vote Act of 2002 (42 U.S.C. 15403(e)); and

(B) the term ''State'' has the meaning given such term in section 901 of such Act (42 U.S.C. 15541).

(d) STUDY AND REPORT ON ANTICIPATED EFFECT OF IMPLEMENTATION ON PARTICIPATION BY ELDERLY, DISABLED, NATIVE AMERICANS AND MINORITY VOTERS.—The amendments made by this Act shall not take effect unless the Election Assistance Commission—

(1) conducts a study on the anticipated impact of the amendments on voter participation; and

(2) submits a report to Congress on the study which concludes that the implementation of the amendments will not disproportionately affect voter participation by the elderly, the disabled, Native Americans, and members of racial minorities.

Ms. MILLENDER-McDONALD (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of her motion.

Ms. MILLENDER-McDONALD. Mr. Speaker, if the House is going to vote out a proof-of-citizenship requirement to allow citizens to exercise their constitutional right to vote, then we should consider who will be disenfranchised by this new requirement, and we should ensure that the States have both the funds and have determined their needs to implement this mandate.

Of course, we should exempt those who will be greatly burdened and are least likely to fit the straw man profile which the majority has thrown up as its excuse to pass this bill, voting by noncitizens. There is no showing that this straw man is a problem of sufficient proportions to justify a 21st century poll tax.

There is no empirical data on which to justify this unfunded mandate, and the personal financial burden and, in some cases, the sheer impossibility of citizens to obtain the required documentation must be taken into consideration.

I therefore offer a motion to recommit, which does the following things to the Republican proof-of-citizenship photo ID obstacle to voting.

First, the motion to recommit exempts all military voters and their families from the requirement of submitting a copy of their photo ID when mailing in an absentee ballot, not just those uniformed personnel overseas, as the underlying Hyde bill allows.

Second, my motion exempts all elderly and disabled voters from having to provide their photo ID at polls or when mailing in absentee ballots. They have financial and access obstacles which ordinary citizens simply do not have, and we need to recognize and adjust for that.

Third, the motion prevents the bill from taking effect in any State and during any fiscal year in which the Federal Government is acting irresponsibly by not providing sufficient Federal funds to cover the State costs of the unfunded mandate of making photo IDs available.

Fourth, my motion to recommit empowers the States by requiring that this new proof of citizenship photo ID provision will not take effect until the State's chief executive, chief election officer, and attorney general have each certified to Congress that voting by noncitizens in the State is a persistent and significant problem that can't be resolved by existing State and Federal laws.

Fifth, the motion seeks to enlighten the Congress on the impact of this law by having States issue a report to the Election Assistance Commission on the number of individuals who are

disenfranchised because of a photo ID requirement.

Sixth, the motion seeks to temper the likely effects of this harsh new statute by holding its application in abeyance until the Election Assistance Commission reports to Congress that 95 percent of the voting-age population has acquired a photo ID which meets the requirements of this act.

Seventh, my motion prevents the law from taking effect until the Election Assistance Commission studies and reports to Congress that the photo ID law will not disproportionately disenfranchise the elderly, disabled, minority and Native Americans.

Finally, the motion exempts Katrina victims whose records were destroyed and who were unable to obtain the requisite documentation, as long as they certify under penalty of perjury to the appropriate State election officials.

These are major concerns but by no means the only ones.

Mr. SCOTT of Georgia. Would the gentlewoman yield just for one moment?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, this is very important on two points. The poll tax, which is a very important point of our argument, it has been said this is not a poll tax. It has been said that this is not an unfunded mandate. However, it is important to know that at the same time they say that this effort will be paid for, but there is no funding in this bill to pay for it, that makes it an unfunded mandate. That puts the onus on the individual senior citizens, those without it. Therefore, this was the consideration for the Georgia ruling that it was a poll tax and unconstitutional.

It is also important to note within the case in Georgia it was pointed out that clearly there were 600,000 Georgians, and not just Georgians, but registered voters in Georgia, 600,000, who did not have either a driver's license or a birth certificate. In order for that to happen, they would have had to provide the costs for doing so, which was not in the bill.

Subsequently, the Governor of Georgia said, to solve this we will put a bus to travel, follow it around the State. The bus made it for 2 hours and broke down. I wanted to make that clear for the Georgia record.

Mr. EHLERS. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, it is difficult to respond without having seen the text of this beforehand, but it appears clear to me that it has the purpose to provide a number of exceptions. Our bill does not provide exceptions, because we are interested in ensuring that every voter has the right to vote. We also want to ensure that there are no illegal votes cast.

References have been made to unfunded mandate. The House just defeated that suggestion and said there is no unfunded mandate. There are concerns about no money being provided. Our committee, the House Administration Committee, is an authorizing committee, not an appropriations committee.

If this bill is unfunded, it is simply because we are an authorizing committee, and any bill passed by an authorizing committee is unfunded. We have to follow the procedures here. We pass authorizing bills. The appropriators then provide the money to implement authorizing activities.

I strongly urge the Members of the body to recommit this bill and to pass the original version of the bill, as amended, and which was introduced to this body and debated for the last 2 hours. It is a good bill that will provide the safety and security we need to ensure the vote is taken properly. I urge all of my colleagues to vote for this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. MILLENDER-McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 4844, if ordered, and the motion to suspend the rules on H. Res. 976.

The vote was taken by electronic device, and there were—yeas 196, nays 225, not voting 11, as follows

[Roll No. 458]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam

Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bishop (UT)
Calvert
Case
Cubin
Evans
Keller
Kennedy (RI)
Moore (KS)
Ney
Reynolds
Strickland

□ 1550

Messrs. PICKERING, LUCAS, TERRY, NUNES, DANIEL E. LUNGREN of California, WALDEN of Oregon, HEFLEY, LAHOOD and GARY G. MILLER of California changed their vote from ''yea'' to ''nay.''

Ms. KILPATRICK of Michigan, Ms. PELOSI, Mr. HOLT and Mr. UDALL of Colorado changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 8, as follows:

[Roll No. 459]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Case
Cubin
Evans
Keller
Kennedy (RI)
Moore (KS)
Ney
Strickland

□ 1600

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.''.

A motion to reconsider was laid on the table

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CAPITOL HILL FLAG FOOTBALL

(Mr. RENZI asked and was given permission to address the House for 1 minute.)

Mr. RENZI. Mr. Speaker, last night on the gridiron of Gallaudet University, Republicans and Democrats came together in a bipartisan fashion to take on the Capitol Police professional flag football team. And while we are but a ragtag group of amateur players taking on professional athletes, in the end we had them right where we wanted, and if it wasn't for the clock running out, we would have had that big comeback and overcome that score of 35–7.

I want to thank the police officers who guard us and care for us, who have given their lives for us. I want to thank our sponsors. We have found in Washington that if you go to sponsors and tell them they can watch Congressmen get knocked over, you can raise money for police officers and their families.

I want to thank Coach Tom Osborne. He may be Nebraska's son and a Hall of Fame coach, but he is our sandlot coach, and we needed him. He helped us raise $80,000 in two games for the families.

Thank you all to the players and the staffs that put this together. We are going to do it again next year. We are not going to go easy on them. Thank you, everybody. I appreciate it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF IRAN AND EXPRESSING SOLIDARITY WITH THE IRANIAN PEOPLE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 976.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and agree to the resolution, H. Res. 976, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 10, answered ''present'' 2, not voting 12, as follows:

[Roll No. 460]

YEAS—408

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—10

Abercrombie
Hinchey
Jones (NC)
Kucinich
Lee
McDermott
McKinney
Paul
Waters
Woolsey

ANSWERED ''PRESENT''—2

Capuano
Kaptur

NOT VOTING—12

Case
Cubin
Evans
Jenkins
Keller
Kennedy (RI)
Kilpatrick (MI)
Moore (KS)
Ney
Strickland
Thomas
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1612

Mr. MCDERMOTT changed his vote from ''yea'' to ''nay.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 418) to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

The Clerk read as follows:

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Military Personnel Financial Services Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) members of the Armed Forces perform great sacrifices in protecting our Nation in the War on Terror;

(2) the brave men and women in uniform deserve to be offered first-rate financial products in order to provide for their families and to save and invest for retirement;

(3) members of the Armed Forces are being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices;

(4) one securities product offered to service members, known as the ''mutual fund contractual plan'', largely disappeared from the civilian market in the 1980s, due to excessive sales charges;

(5) with respect to a mutual fund contractual plan, a 50 percent sales commission is assessed against the first year of contributions, despite an average commission on other securities products of less than 6 percent on each sale;

(6) excessive sales charges allow abusive and misleading sales practices in connection with mutual fund contractual plan;

(7) certain life insurance products being offered to members of the Armed Forces are improperly marketed as investment products, providing minimal death benefits in exchange for excessive premiums that are front-loaded in the first few years, making them entirely inappropriate for most military personnel; and

(8) the need for regulation of the marketing and sale of securities and life insurance products on military bases necessitates Congressional action.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) LIFE INSURANCE PRODUCT.—

(A) IN GENERAL.—The term ''life insurance product'' means any product, including individual and group life insurance, funding agreements, and annuities, that provides insurance for which the probabilities of the duration of human life or the rate of mortality are an element or condition of insurance.

(B) INCLUDED INSURANCE.—The term ''life insurance product'' includes the granting of—

(i) endowment benefits;

(ii) additional benefits in the event of death by accident or accidental means;

(iii) disability income benefits;

(iv) additional disability benefits that operate to safeguard the contract from lapse or to provide a special surrender value, or special benefit in the event of total and permanent disability;

(v) benefits that provide payment or reimbursement for long-term home health care, or long-term care in a nursing home or other related facility;

(vi) burial insurance; and

(vii) optional modes of settlement or proceeds of life insurance.

(C) EXCLUSIONS.—Such term does not include workers compensation insurance, medical indemnity health insurance, or property and casualty insurance.

(2) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners (or any successor thereto).

SEC. 4. PROHIBITION ON FUTURE SALES OF PERIODIC PAYMENT PLANS.

(a) AMENDMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

''(j) TERMINATION OF SALES.—

''(1) TERMINATION.—Effective 30 days after the date of enactment of the Military Personnel Financial Services Protection Act, it shall be unlawful, subject to subsection (i)—

''(A) for any registered investment company to issue any periodic payment plan certificate; or

''(B) for such company, or any depositor of or underwriter for any such company, or any other person, to sell such a certificate.

''(2) NO INVALIDATION OF EXISTING CERTIFICATES.—Paragraph (1) shall not be construed to alter, invalidate, or otherwise affect any rights or obligations, including rights of redemption, under any periodic payment plan certificate issued and sold before 30 days after such date of enactment.''.

(b) TECHNICAL AMENDMENT.—Section 27(i)(2)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–27(i)(2)(B)) is amended by striking ''section 26(e)'' each place that term appears and inserting ''section 26(f)''.

(c) REPORT ON REFUNDS, SALES PRACTICES, AND REVENUES FROM PERIODIC PAYMENT PLANS.—Not later than 6 months after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing—

(1) any measures taken by a broker or dealer registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) to voluntarily refund payments made by military service members on any periodic payment plan certificate, and the amounts of such refunds;

(2) after such consultation with the Secretary of Defense, as the Commission considers appropriate, the sales practices of such brokers or dealers on military installations over the 5 years preceding the date of submission of the report and any legislative or regulatory recommendations to improve such practices; and

(3) the revenues generated by such brokers or dealers in the sales of periodic payment plan certificates over the 5 years preceding the date of submission of the report, and the products marketed by such brokers or dealers to replace the revenue generated from the sales of periodic payment plan certificates prohibited under subsection (a).

SEC. 5. REQUIRED DISCLOSURES REGARDING OFFERS OR SALES OF SECURITIES ON MILITARY INSTALLATIONS.

Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by inserting immediately after paragraph (13) the following:

''(14) The rules of the association include provisions governing the sales, or offers of sales, of securities on the premises of any military installation to any member of the Armed Forces or a dependent thereof, which rules require—

''(A) the broker or dealer performing brokerage services to clearly and conspicuously disclose to potential investors—

''(i) that the securities offered are not being offered or provided by the broker or dealer on behalf of the Federal Government, and that its offer is not sanctioned, recommended, or encouraged by the Federal Government; and

''(ii) the identity of the registered broker-dealer offering the securities;

''(B) such broker or dealer to perform an appropriate suitability determination, including consideration of costs and knowledge about securities, prior to making a recommendation of a security to a member of the Armed Forces or a dependent thereof; and

''(C) that no person receive any referral fee or incentive compensation in connection with a sale or offer of sale of securities, unless such person is an associated person of a registered broker or dealer and is qualified pursuant to the rules of a self-regulatory organization.''.

SEC. 6. METHOD OF MAINTAINING BROKER AND DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Section 15A(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(i)) is amended to read as follows:

''(i) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

''(A) establish and maintain a system for collecting and retaining registration information;

''(B) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding—

''(i) registration information on its members and their associated persons; and

''(ii) registration information on the members and their associated persons of any registered national securities exchange that uses the system described in subparagraph (A) for the registration of its members and their associated persons; and

''(C) adopt rules governing the process for making inquiries and the type, scope, and presentation of information to be provided in response to such inquiries in consultation with any registered national securities exchange providing information pursuant to subparagraph (B)(ii).

''(2) RECOVERY OF COSTS.—A registered securities association may charge persons making inquiries described in paragraph (1)(B), other than individual investors, reasonable fees for responses to such inquiries.

''(3) PROCESS FOR DISPUTED INFORMATION.—Each registered securities association shall adopt rules establishing an administrative process for disputing the accuracy of information provided in response to inquiries under this subsection in consultation with any registered national securities exchange providing information pursuant to paragraph (1)(B)(ii).

''(4) LIMITATION ON LIABILITY.—A registered securities association, or an exchange reporting information to such an association, shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

''(5) DEFINITION.—For purposes of this subsection, the term 'registration information' means the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.''.

SEC. 7. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) INVESTMENT ADVISERS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking ''Every investment'' and inserting the following:

''(a) IN GENERAL.—Every investment''; and

(2) by adding at the end the following:

''(b) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

''(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

''(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

''(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—

''(A) IN GENERAL.—The Commission shall require the entity designated by the Commission under subsection (b)(1) to establish and maintain a toll-free telephone listing, or a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers

and persons associated with investment advisers.

''(B) APPLICABILITY.—This subsection shall apply to any investment adviser (and the persons associated with that adviser), whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State, as described in section 203A.

''(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries described in paragraph (1).

''(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) INVESTMENT ADVISERS ACT OF 1940.—Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996.—Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b–10, note) is repealed.

SEC. 8. STATE INSURANCE AND SECURITIES JURISDICTION ON MILITARY INSTALLATIONS.

(a) CLARIFICATION OF JURISDICTION.—Any provision of law, regulation, or order of a State with respect to regulating the business of insurance or securities shall apply to insurance or securities activities conducted on Federal land or facilities in the United States and abroad, including military installations, except to the extent that such law, regulation, or order—

(1) directly conflicts with any applicable Federal law, regulation, or authorized directive; or

(2) would not apply if such activity were conducted on State land.

(b) PRIMARY STATE JURISDICTION.—To the extent that multiple State laws would otherwise apply pursuant to subsection (a) to an insurance or securities activity of an individual or entity on Federal land or facilities, the State having the primary duty to regulate such activity and the laws of which shall apply to such activity in the case of a conflict shall be—

(1) the State within which the Federal land or facility is located; or

(2) if the Federal land or facility is located outside of the United States, the State in which—

(A) in the case of an individual engaged in the business of insurance, such individual has been issued a resident license;

(B) in the case of an entity engaged in the business of insurance, such entity is domiciled;

(C) in the case of an individual engaged in the offer or sale (or both) of securities, such individual is registered or required to be registered to do business or the person solicited by such individual resides; or

(D) in the case of an entity engaged in the offer or sale (or both) of securities, such entity is registered or is required to be registered to do business or the person solicited by such entity resides.

SEC. 9. REQUIRED DEVELOPMENT OF MILITARY PERSONNEL PROTECTION STANDARDS REGARDING INSURANCE SALES; ADMINISTRATIVE COORDINATION.

(a) STATE STANDARDS.—Congress intends that—

(1) the States collectively work with the Secretary of Defense to ensure implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on a military installation of the United States (including installations located outside of the United States); and

(2) each State identify its role in promoting the standards described in paragraph (1) in a uniform manner, not later than 12 months after the date of enactment of this Act.

(b) STATE REPORT.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense and, not later than 12 months after the date of enactment of this Act, conduct a study to determine the extent to which the States have met the requirement of subsection (a), and report the results of such study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) ADMINISTRATIVE COORDINATION; SENSE OF CONGRESS.—It is the sense of the Congress that senior representatives of the Secretary of Defense, the Securities and Exchange Commission, and the NAIC should meet not less frequently than twice a year to coordinate their activities to implement this Act and monitor the enforcement of relevant regulations relating to the sale of financial products on military installations of the United States.

SEC. 10. REQUIRED DISCLOSURES REGARDING LIFE INSURANCE PRODUCTS.

(a) REQUIREMENT.—Except as provided in subsection (e), no person may sell, or offer for sale, any life insurance product to any member of the Armed Forces or a dependent thereof on a military installation of the United States, unless a disclosure in accordance with this section is provided to such member or dependent at the time of the sale or offer.

(b) DISCLOSURE.—A disclosure in accordance with this section is a written disclosure that—

(1) states that subsidized life insurance is available to the member of the Armed Forces from the Federal Government under the Servicemembers' Group Life Insurance program (also referred to as ''SGLI''), under subchapter III of chapter 19 of title 38, United States Code;

(2) states the amount of insurance coverage available under the SGLI program, together with the costs to the member of the Armed Forces for such coverage;

(3) states that the life insurance product that is the subject of the disclosure is not offered or provided by the Federal Government, and that the Federal Government has in no way sanctioned, recommended, or encouraged the sale of the life insurance product being offered;

(4) fully discloses any terms and circumstances under which amounts accumulated in a savings fund or savings feature under the life insurance product that is the subject of the disclosure may be diverted to pay, or reduced to offset, premiums due for continuation of coverage under such product;

(5) states that no person has received any referral fee or incentive compensation in connection with the offer or sale of the life insurance product, unless such person is a licensed agent of the person engaged in the business of insurance that is issuing such product;

(6) is made in plain and readily understandable language and in a type font at least as large as the font used for the majority of the solicitation material used with respect to or relating to the life insurance product; and

(7) with respect to a sale or solicitation on Federal land or facilities located outside of the United States, lists the address and phone number at which consumer complaints are received by the State insurance commissioner for the State having the primary jurisdiction and duty to regulate the sale of such life insurance products pursuant to section 8.

(c) VOIDABILITY.—The sale of a life insurance product in violation of this section shall be voidable from its inception, at the sole option of the member of the Armed Forces, or dependent thereof, as applicable, to whom the product was sold.

(d) ENFORCEMENT.—If it is determined by a Federal or State agency, or in a final court proceeding, that any person has intentionally violated, or willfully disregarded the provisions of, this section, in addition to any other penalty under applicable Federal or State law, such person shall be prohibited from further engaging in the business of insurance with respect to employees of the Federal Government on Federal land, except—

(1) with respect to existing policies; and

(2) to the extent required by the Federal Government pursuant to previous commitments.

(e) EXCEPTIONS.—This section shall not apply to any life insurance product specifically contracted by or through the Federal Government.

SEC. 11. IMPROVING LIFE INSURANCE PRODUCT STANDARDS.

(a) IN GENERAL.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense, and not later than 6 months after the date of enactment of this Act, conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

(1) ways of improving the quality of and sale of life insurance products sold on military installations of the United States, which may include—

(A) limiting such sales authority to persons that are certified as meeting appropriate best practices procedures; and

(B) creating standards for products specifically designed to meet the particular needs of members of the Armed Forces, regardless of the sales location; and

(2) the extent to which life insurance products marketed to members of the Armed Forces comply with otherwise applicable provisions of State law.

(b) CONDITIONAL GAO REPORT.—If the NAIC does not submit the report as described in subsection (a), the Comptroller General of the United States shall—

(1) study any proposals that have been made to improve the quality of and sale of life insurance products sold on military installations of the United States; and

(2) not later than 6 months after the expiration of the period referred to in subsection (a), submit a report on such proposals to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 12. REQUIRED REPORTING OF DISCIPLINARY ACTIONS.

(a) REPORTING BY INSURERS.—Beginning 1 year after the date of enactment of this Act, no insurer may enter into or renew a contractual relationship with any other person that sells or solicits the sale of any life insurance product on any military installation of the United States, unless the insurer has implemented a system to report to the State insurance commissioner of the State of domicile of the insurer and the State of residence of that other person—

(1) any disciplinary action taken by any Federal or State government entity with respect to sales or solicitations of life insurance products on a military installation that

the insurer knows, or in the exercise of due diligence should have known, to have been taken; and

(2) any significant disciplinary action taken by the insurer with respect to sales or solicitations of life insurance products on a military installation of the United States.

(b) REPORTING BY STATES.—It is the sense of Congress that, not later than 1 year after the date of enactment of this Act, the States should collectively implement a system to—

(1) receive reports of disciplinary actions taken against persons that sell or solicit the sale of any life insurance product on any military installation of the United States by insurers or Federal or State government entities with respect to such sales or solicitations; and

(2) disseminate such information to all other States and to the Secretary of Defense.

(c) DEFINITION.—As used in this section, the term ''insurer'' means a person engaged in the business of insurance.

SEC. 13. REPORTING BARRED PERSONS SELLING INSURANCE OR SECURITIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a list of the name, address, and other appropriate information relating to persons engaged in the business of securities or insurance that have been barred or otherwise limited in any manner that is not generally applicable to all such type of persons, from any or all military installations of the United States, or that have engaged in any transaction that is prohibited by this Act.

(b) NOTICE AND ACCESS.—The Secretary of Defense shall ensure that—

(1) the appropriate Federal and State agencies responsible for securities and insurance regulation are promptly notified upon the inclusion in or removal from the list required by subsection (a) of a person under the jurisdiction of one or more of such agencies; and

(2) the list is kept current and easily accessible—

(A) for use by such agencies; and

(B) for purposes of enforcing or considering any such bar or limitation by the appropriate Federal personnel, including commanders of military installations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall issue regulations in accordance with this subsection to provide for the establishment and maintenance of the list required by this section, including appropriate due process considerations.

(2) TIMING.—

(A) PROPOSED REGULATIONS.—Not later than the expiration of the 60-day period beginning on the date of enactment of this Act, the Secretary of Defense shall prepare and submit to the appropriate Committees of Congress a copy of the regulations required by this subsection that are proposed to be published for comment. The Secretary may not publish such regulations for comment in the Federal Register until the expiration of the 15-day period beginning on the date of such submission to the appropriate Committees of Congress.

(B) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate Committees of Congress a copy of the regulations under this section to be published in final form.

(C) EFFECTIVE DATE.—Final regulations under this paragraph shall become effective 30 days after the date of their submission to the appropriate Committees of Congress under subparagraph (B).

(d) DEFINITION.—For purposes of this section, the term ''appropriate Committees of Congress'' means—

(1) the Committee on Financial Services and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

SEC. 14. STUDY AND REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study on the impact of Department of Defense Instruction 1344.07 (as in effect on the date of enactment of this Act) and the reforms included in this Act on the quality and suitability of sales of securities and insurance products marketed or otherwise offered to members of the Armed Forces.

(b) REPORTS.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Defense shall submit an initial report on the results of the study conducted under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and shall submit followup reports to those committees on December 31, 2008 and December 31, 2010.

The SPEAKER pro tempore (Mr. BONNER). Pursuant to the rule, the gentleman from Kentucky (Mr. DAVIS) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume but first would like to recognize the distinguished chairman of the Financial Services Committee, Mr. OXLEY of Ohio.

Mr. OXLEY. Mr. Speaker, I rise in support of S. 418, the Military Personnel Financial Services Protection Act, which protects the men and women serving in our Nation's military from deceptive financial practices and unsuitable financial products.

I want to pay a particular tribute to the sponsor of the House legislation that came through the Financial Services Committee. This bill that we have before us is almost identical to the bill that passed out of our committee. Mr. DAVIS, a veteran and West Point graduate, led the way in protecting our military men and women on this issue early last year. Early last year he secured a bipartisan voice vote in committee and a resounding 405–2 bipartisan victory in the House.

Congratulations also go to former Congressman Max Burns of Georgia who led the charge protecting our military personnel in the 108th Congress.

□ 1615

We are pleased with giving the Senate credit for their bill number if we get to enact the protections for our military as envisioned by Mr. DAVIS and Max Burns.

Mr. Speaker, since the tragic day of September 11, 2001, our country has been at war with terrorism around the world. In the prosecution of that war, our armed services have performed heroically. Many have made the ultimate sacrifice for the cause of freedom, and all have worried about the safety and security of their loved ones as they leave to serve our country.

Unfortunately, there are a few bad actors in the financial services industry who have been taking financial advantage of our soldiers. These unscrupulous companies and their sales teams infiltrate our military installations and use aggressive, misleading, and often illegal sales tactics to sell high-cost products of dubious value that are unsuitable for any investor, and are particularly unsuitable for most military personnel.

The Pentagon has issued directives intended to prevent these abuses. But with the ongoing confusion over regulatory jurisdiction, the lack of communication among government agencies, and the lack of sufficient investor protection standards for certain financial products, it is clear that our military personnel can never be adequately protected unless Congress enacts this bill.

The Davis bill bans bad financial products and coercive sales practices on military bases, including obscure and high-cost ''contractual plans.'' It clarifies the regulatory jurisdiction on military installations within the U.S. and abroad, adds appropriate consumer protections and disclosures for financial products sold on military bases, and ensures proper reporting systems between our military and the financial regulators to catch bad actors before they can do more harm.

It also makes the process of selecting a financial adviser more transparent for all investors by providing online access to background information on broker-dealers, including disciplinary actions. This last provision was taken from legislation introduced by the gentleman from Arizona (Mr. SHADEGG) that passed the House in April 2005.

The overwhelmingly bipartisan support for this bill within Congress and the military is the result of strong leadership by the gentleman from Kentucky (Mr. DAVIS) as well as former Member Max Burns, as well as the chairman of the Subcommittee on Capital Markets, Mr. BAKER, who led our committee's investigation into abusive practices and bad products, Congressman JIM RYUN and Congressman STEVE ISRAEL. Mr. RYUN and Mr. ISRAEL worked closely together on the reporting requirements of this bill, and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for ensuring appropriate SEC review of broker-dealer sales practices on military installations.

Their hard work and passion for protecting our military personnel is well reflected on this legislation. I urge my colleagues in the full House to vote ''yes'' on S. 418.

Mr. DAVIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

First, let me extend my deep appreciation and thanks to our distinguished chairman, Chairman OXLEY of Ohio. As many of us know, Chairman OXLEY will be leaving us and I want to take this opportunity to recognize what an outstanding chairman you have been to our Committee on Financial Services. It has been a pleasure serving with you, and you have been an outstanding chairman.

It is also a pleasure to stand here as I represent our ranking member, the gentleman from Massachusetts (Mr. FRANK), who has provided outstanding leadership on our Financial Services Committee, and has led the way for this to be a strong bipartisan effort, to Mr. DAVIS of Kentucky. Certainly it is a pleasure to work with you on this measure.

I think this is a very important bill because of the timeliness of it, especially with so many of our military men and women in harm's way overseas, especially in Iraq and Afghanistan, that we put forward a measure designed to help protect their financial security.

Senate 418, the Military Personnel Financial Services Protection Act, the measure before us today, will address some serious problems of predatory lending and financial abuse targeted at our military men and women.

In 2004, the New York Times ran a series of very good stories which detailed misleading sales practices of financial products to members of the military. A few unscrupulous agents had made misleading pitches to captive audiences by posing as counselors on veterans benefits, and they solicited soldiers while on duty.

This issue is important to me, as it is to all of us in this Congress, but especially to me and those of us from Georgia, because so many of these reported scams occurred at Fort Benning in my State of Georgia.

So I joined with my colleagues on the Financial Services Committee and we held hearings to investigate these predatory and abusive lending practices, and then we went to work on finding legislative remedies.

This legislation that we worked on is very similar to Senate 418. Our legislation was passed by a large majority in the House, but was not brought up for action on the Senate floor until recently. What we have before us as Senate 418 represents the final bipartisan and bicameral product in addressing these important issues. This is indeed the work of the House and the Senate.

What S. 418 will do, it will ban all future sales of periodic payment plans. It will require greater regulation of insurance sales on military bases. It will require the Department of Defense to create a registry of agents who are prohibited from selling financial policies on bases, and it will expand investor access to registration information for brokers, for dealers and advisers.

I would like to give just a little more detail about a few of the protections afforded our military personnel in this measure. Senate 418 will give State insurance regulators jurisdiction over insurance sales on Federal facilities and bases within the United States as well as abroad. Many of the abuses that occurred on bases continued because of confusion about regulatory jurisdiction, and especially at overseas bases. This bill resolves that. This provision clears up that concern.

Also my colleague, the gentleman from New York (Mr. ISRAEL), authored a provision contained in section 13 of this measure. This provision requires the Secretary of Defense to notify the appropriate State regulators when an insurance agent or financial adviser is added or deleted from a registry of agents or advisers banned from military bases. This provision will prevent unscrupulous sales agents from moving to other jurisdictions to avoid detection.

Further, insurance companies could not sell or solicit policies to military personnel on a base without first providing clear written notice that federally subsidized life insurance is available through the Federal Government, and that the sale of the private plan is not sanctioned or recommended by the government.

To ensure our servicemembers are capable of addressing their financial needs, we must first provide them with adequate compensation. At the same time, we must help our soldiers exercise financial responsibility. It is necessary that military personnel have financial literacy, something that I have worked very hard on since my first day arriving in Congress. These individuals can face financial questions from Internet-based sales, from sales off base, and from being faced with decisions in the civilian world. As we know, predatory sales practices are not limited to the base.

Our military folks have enough to worry about. They constantly live in a life-and-death situation. They certainly do not need these added financial insecurity pressures that are placed upon them by predatory lenders and financial abusers.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the work of the gentleman from Georgia on this important issue which affects so many of our men and women in uniform.

I rise today in support of S. 418, the Military Personnel Financial Services Protection Act. First, let me thank Senators ENZI and CLINTON for sponsoring the Senate companion to my bill, H.R. 458, which passed the House last year by a vote of 405–2.

This important legislation will protect our troops from certain insurance and investment products, and in particular, the contractual plan.

Contractual plans have virtually disappeared from the civilian market due to excessive sales charges, but sales persist among servicemembers and their families, who are often new to managing finances and unaware that there are alternative or more cost-effective opportunities out there. The hallmark of the deceptively expensive plans are front-loaded commission fees of up to 50 percent. S. 418 prohibits the sales of these predatory investment products.

Unfortunately, there are some bad actors still out there in the insurance and securities industry that have been taking advantage of military personnel by marketing these questionable products.

Mr. Speaker, I understand firsthand the sales tactics used by these companies on our soldiers. As a young officer in the Army, a group of salesmen showed up on my post and convinced me and my fellow soldiers to purchase a contractual plan. I fell for the sales pitch for this contractual plan because the company made it appear as though they were part of the Armed Forces family, and the salesman, a respected military veteran, was somebody I thought I could trust because of his record in the military. That trust was betrayed simply because of our ignorance.

What we discovered as time went by was that there were tremendous other options out there; and that many, many service personnel were losing tens of thousands of dollars that could have gone directly into investment products that were available in the commercial world.

I invested what was a lot of money to me at the time, not because I was a financial expert, I was a combat arms officer, but because a retired servicemember was working as a salesman and was pushing a product with the referral of other veterans. It was not until I got out of the Army and into the business world that I discovered how uncompetitive these products were when compared to other investment opportunities. However, it was too late. My wife and I lost nearly half our life savings on this so-called investment.

S. 418 also addresses the sale of life insurance to servicemembers. The bill requires life insurance companies to provide written disclosures that, among other disclosures, state that subsidized life insurance is available through the Servicemembers' Group Life Insurance Program and fully disclose the terms of the agreement and any savings feature of the product. The disclosure must be in plain and readily understandable language and in a normal type font.

Additionally, I would like to state I am disappointed that the Senate removed the qualifying words ''in person'' from the requirements provision of section 10 on disclosures regarding life insurance products. I have concerns that this could prevent certain well-respected life insurance companies from

continuing to do business the way they have for many years, which enables the issuing of insurance in a timely manner to servicemembers who are often about to be deployed or go into combat.

I plan to continue monitoring the status of this issue, and I will pursue legislative options in the future should my concern manifest itself.

Regulation of these types of insurance and investment products on military bases has clearly been inadequate to this point. The situation required congressional action to address the situation and protect our servicemembers.

I applaud my colleagues in the Senate for moving forward with S. 418, and I appreciate the leadership of the House for bringing it to the floor for a vote.

I would encourage the Department of Defense to continue with its efforts to improve financial literacy of our troops. I cannot emphasize strongly enough how I agree with my colleague from Georgia on the importance of teaching our young soldiers, sailors, airmen and marines about the opportunities that they have and the benefits they can accrue from taking wise counsel and go for sure and certain return on their investment while they are serving this Nation.

However, we as a Congress cannot allow these abusive sales practices to continue. We must not ask the men and women of our armed services to make sacrifices for our security without doing all we can to protect their financial futures. They are laying their lives on the line and putting their families under tremendous stresses and pressures right now. The last thing we must permit to take place is predatory sales practices upon these soldiers while they are getting ready to deploy and weigh these serious life decisions without proper information. Working together, we will solve this problem.

Thank you again to Senators ENZI and CLINTON for sponsoring the Senate version of my bill, H.R. 458, and to Chairman BAKER and Chairman OXLEY for their diligent examination of this issue in the House Financial Services Committee.

I also want to emphasize that this has truly been a bipartisan effort working together on a compromise that never weakened the provisions but actually made a stronger bill in the long run, particularly with the House version that came out last year.

I thank the ranking member, Mr. FRANK, and Chairman OXLEY for their leadership and the example they set for every committee in the House of Representatives on working together in a bipartisan manner to craft legislation that benefits the American people.

The gentleman from Georgia (Mr. SCOTT), the gentleman from New York (Mr. ISRAEL), the gentleman from Kansas (Mr. RYUN), the gentleman from Pennyslvania (Mr. FITZPATRICK), and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) have all been integral to this dialogue to offer key provisions and key counsel to strengthen this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield 4 minutes to the distinguished gentleman who has long championed the military, and on this issue has been at the forefront in providing great leadership on this issue, protecting our military from financial abuses, and that is the gentleman from North Dakota (Mr. POMEROY).

□ 1630

Mr. POMEROY. Mr. Speaker, I thank my friend for yielding.

In a prior life I used to be a State insurance commissioner, and I want to tell you how completely disgusted I am that there are still companies and agents that would prey upon the young men and women that are serving our country, in many instances young soldiers preparing for deployment to Iraq. Seizing this incredibly sensitive and exposed period in their lives, they use every trick in the book to load them up with coverages that are inappropriately priced, may well be ill-matched to the financial needs of the soldier, and they do it all for one lousy reason, personal profiteering, profiteering on those who would literally put their lives on the line to protect our freedoms. That is about as low as you can get.

And I very much appreciate the debate that we have had here. Congressman DAVIS, you related your own story about how, as a young soldier, you had some respected veteran peddling a product from a company that just fills the sales materials with flags and banners. This is just so wrong.

Frankly, I am disappointed that the State insurance commissioners have allowed this to go as far as they have. Maybe there was some confusion about what their regulatory enforcements could be relative to proximity to Air Force or Army bases. I don't understand. I believe more could have been done at the State regulatory level, and I hope this represents a good swift kick in the behind to any enforcement official looking at predatory lending practices.

This is a clear bipartisan statement from Congress that we don't countenance this at all, and we want to crack heads on anybody engaged in this kind of activity.

I also want us to note there is more to do. Both sides of the aisle have so well expressed our need for financial literacy. Let me just give you exhibit A in terms of why we need it so badly. Right outside the base gates, payday loans, predatory lending shops, not addressed in this bill, unfortunately, and still a matter we need to look at because soldiers, often young, trying to make it on pretty skinny checks, fall prey to these predatory lending practices of the payday lenders.

And I want to send a signal to this industry: We see what you are doing. We hate it, and we are going to try to figure out how we address those payday loan practices, the predatory lending practices. Surely any reputable lender, any major bank that would engage in a surcharge lending practice for the subprime market of military bases is wrong. We will not accept this surcharge on the subprime market of young soldiers, and we intend to expose and we intend to further and fully discuss these practices. So if you don't want to see your names in the paper relative to ripping off our soldiers, quit those payday loan practices. We are coming after you next. Agents, insurance companies, we are getting you with this legislation, but the subprime market is coming next. Don't make any mistake about it.

I thank the sponsors of this legislation.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I want to echo some comments that were made by Mr. POMEROY. Our title II language of the original House bill directly addressed the predatory lending issue, and we were disappointed, many of us, that that language was removed from the Senate version. However, I believe that there will be good news in the defense authorization. We have worked very tirelessly over the past couple of weeks, and I am serving as a conferee on the joint House/Senate committee, and I believe that we are going to have some very strong language to begin to address this issue, to control the fees and the percentage rates and ultimately to dissuade our young soldiers, sailors, and airmen from participating in these processes that take advantage of them financially.

One thing that I would like to point out is an aspect of my own story and the nature of this behind the bill. I remember experiencing the invitation to the steak dinner at a meeting hall where many soldiers came out to hear a presentation about how much money they could possibly make by joining these programs, and the importance of insurance and how that was going to help, and how one salesperson asked my wife if she would feel safe on the amount of insurance that she had from the servicemen's group life program at that time. She even won a $50 lucky drawing during that. And it wasn't until several years later that we realized that we had based our trust on a false premise and had purchased a product that we didn't need.

One of the great things in America is the equalizing capability of the American people, that every person has a say with votes, that we can pursue goals and opportunities, and as the old saying goes, ''What goes around comes around.'' I remember sitting as a new Member in the House of Representative when the then CEO of that very company was sitting across from my desk

wanting us to not bring H.R. 458, the Military Personnel Financial Services Protection Act, to the floor. And having lived that, and knowing the concern of the other Members on the committee, we are very pleased to take this first step as we are addressing many steps in protecting our servicemembers and also enhancing their financial literacy.

With that, I want to commend both sides for having worked together. I thank the gentleman from Georgia especially for his long-time interest in this. And I want to say a special note to outgoing Financial Services Committee Chairman MIKE OXLEY. I believe that he has set a stellar example of leadership in his tenure. He has been a mentor to me and other members of the committee. What he has shown is that we can work in a spirit of comity and comedy, that we can have fun as we deal with very, very serious issues. He always kept the vision, the end goal, in sight that we were working toward to keep things in perspective so that when the pressures of the time or the fatigue of the long days might move emotions in a different direction, he was always there to keep us pointed towards that end goal as we run that race to have good financial services legislation like this bill that we have today.

Mr. Speaker, I yield back the balance of my time

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I just want to extend my feelings of great appreciation to Mr. DAVIS from Kentucky, the distinguished gentleman, who has truly provided the leadership on this bill. And you could tell from his eloquent statements earlier of his own experience in this issue that really clearly points to why we need this bill.

And I thank you, and it has been a pleasure working with you on this, Mr. DAVIS.

I again want to echo when he said about the chairman. I am very fortunate on this committee to have two mentors, Democrat and Republican. And as a Democrat, I am not ashamed to say one of my mentors is a Republican, and that is OXLEY. Chairman OXLEY. I call him ''Oxley.'' On top of everything else, he is a great baseball man. And, of course, with Ranking Member FRANK, it gives a great balance to the bipartisanship on that committee, which I think enables us to deal with ticklish matters like this very appropriately.

As far as the payday situation is concerned, we will visit that another day. There is no question about that. We want to make sure that we get the good apples out of the way of the bad apples and move forward. But this bill here clearly gives us a very important statement. And it is with this statement that we are saying to these predators, keep your grubby hands off of our soldiers. We have got 18- and 19-year-old kids who are just getting out of high school, many of them, and there these predators are, waiting on them at a time when they are faced with such life-and-death issues as going into harm's way, all of those pressures. It is not right. It is not fair. And this is why we are moving on this very important legislation, so that we can protect our fighting men and women against unscrupulous investment sales.

I urge the House to move to pass this important bipartisan measure today.

Mr. SPRATT. Mr. Speaker, I rise in support of this bill, to defend those who defend us. Our young men and women in uniform should not be prey to unscrupulous types who take advantage of their inexperience, in ways that they pay for, and for years thereafter.

Our service members are focused on the mission at hand: defending our nation. In their enthusiasm, and on the eve of their deployments, they should not be subjected to unscrupulous agents who exploit their fears of family members not being provided for, should they be killed or wounded in the line of the duty. They should not be exposed to brokers making promises of big returns on investments, while extracting exorbitant fees up front.

We have worked hard to improve the benefits that our government provides for our troops and their families. We have increased the death gratuity dramatically. We have increased life insurance coverage.

But we can do better.

We can ban the sale of periodic payment plan certificates.

We can clarify the law by making it known that the states have a duty to regulate sales conducted on military bases.

We can ensure that our young men and women in uniform are educated about the benefits the government provides for them and their families, and that they receive clear and comprehensible information about the federally subsidized life insurance available to them.

We can require registration of agents and a registry for complaints about agents so that our service members can see who has had complaints and disciplinary actions.

And Congress can monitor these practices better.

This bill does these things. And while it does not go as far as some of us in the House would like, I believe it is a good place to start. It enables us to stop some of the most damaging practices against those who defend our

I urge support of this bill.

Mr. SHADEGG. Mr. Speaker, today we are considering S. 418, the Military Personnel Financial Services Protection Act. At a time when so many of our brave men and women are deployed across the world defending our freedom, this bill is a small step to ensure that our military personnel to not fall victim to deceptive financial practices at home.

Furthermore, Mr. Speaker, this bill includes provisions that reach beyond just our military personnel to protect all investors. I would like to thank the Chairmen of the Financial Services and Banking Committees for including language from H.R. 1077, the Realtime Investor Protection Act, which I authored and which passed as a stand alone bill last year.

This language will require the National Association of Securities Dealers (NASD) to make its database of complaints against brokers publicly available on a secure Internet site. This is extraordinarily simple and extraordinarily efficient. The result will be more informed investors with greater trust in the markets.

Although the NASD already maintains this database, BrokerCheck, the organization is prohibited from making it available online. The current system requires potential investors to submit a request for broker/dealer information via telephone or e-mail The investor must then wait for a response. In today's high tech world, this procedure is outdated and highly inefficient.

BrokerCheck is an invaluable tool for investors, through which they can learn about the professional background, business practices, and conduct of NSD-registered firms and brokers, free of charge. Specifically, an investor can discover: Whether or not their broker has a criminal record; whether or not they have been subject to a regulatory action by the Securities Exchange Commission (SEC); and, whether or not they had customer complaints filed against them.

This bill will bring investor protection up to speed with investing technologies. Interestingly, of the 4.4 million requests NASD received through BrokerCheck for information in 2004, 99 percent were through the Internet e-mail request system, only 1 percent were by telephone. Clearly, investors prefer using the Internet to request information.

I encourage my colleagues to support this bill to protect military personnel, and the public at large, by prohibiting abusive practices and encouraging investor education.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 418, a bill that speaks to an issue that has been of concern to Congress for several years now. I believe that the time has come to stop talking about unscrupulous practices that unfairly target U.S. servicemen and women and to act to end them. This bill serves that end.

This bill addresses the issue of deceitful insurance schemes that take advantage of U.S. service men and women by pitching important investment and insurance programs while hiding within them antiquated fee schemes. For those who offer important financial and life planning programs to hide within such plans unfair, this bill removes the ability to hide expansive and outdated fee schedules that bilk vulnerable, young service men and women.

S. 418 protects the financial interests of those who serve. I urge my colleagues to support this legislation and to support our men and women in uniform and their families.

Mr. SCOTT of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 418.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1025) to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project.

The Clerk read as follows:

S. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wichita Project Equus Beds Division Authorization Act of 2005''.

SEC. 2. EQUUS BEDS DIVISION.

The Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' (Public Law 86–787; 74 Stat. 1026) is amended by adding the following new section:

''SEC. 10. EQUUS BEDS DIVISION.

''(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the 'Integrated Local Water Supply Plan, Wichita, Kansas' (referred to in this section as the 'Equus Beds Division'). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

''(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

''(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

''(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

''(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations.

''(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to not exceed 25 percent of the total cost or $30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

''(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate 10 years after the date of enactment of this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

S. 1025, introduced by Senator PAT ROBERTS and supported by our Kansas colleague TODD TIAHRT, authorizes the Secretary of the Interior to assist in the funding and implementation of an aquifer recharge program near the city of Wichita.

The Equus Beds aquifer has supplied water to Wichita for over 60 years, but groundwater levels continue to decline. The bill's project will use excess water flows from the Little Arkansas River to recharge the aquifer and would provide significant new water storage capacity for area water consumers. This enhanced aquifer recharge and storage concept will help impede saline water intrusion and enhance the region's long-term water needs.

I urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. JONES has explained very well this bill. We have no objection to passage of S. 1025. The Committee on Resources approved similar legislation in the 108th Congress. The Federal cost-share for this project is not excessive, and the project itself will have a beneficial effect on local groundwater supplies.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, at this time I would like to yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I would like to thank the gentleman from North Carolina. He has not only been a good leader, but a great friend, and I appreciate his yielding the time and the work he has done in favor of this bill.

Mr. Speaker, I rise today in favor of the Wichita Project Equus Beds Division Authorization Act, S. 1025. The bill authorizes the Equus Beds aquifer recharge project in south-central Kansas and will help meet the water needs of nearly 500,000 people in the State. This is an environmentally sound project, and it will help ensure local residents, agricultural irrigators, and industrial businesses have access to clean water for decades.

□ 1645

I want to thank Chairman POMBO for his leadership in assisting me over the past few years on this important water project. Both he and the staff on the House Resources Committee have been very good to work with.

Chairman POMBO has helped ensure authorization for the needed recharge of the Equus Beds aquifer, and ensured that it was done right away. I appreciate my colleague and good friend, Senator PAT ROBERTS, for his championing this effort in the authorization bill in the Senate. He got the job done in the other body. Now it is time to finish the process in the House today.

Because the House has already approved authorization language contained in S. 1025 last year, passage of this bill today will be the final step needed to send it to the President for his signature.

I should also thank the city of Wichita officials for their effort in helping move this project forward. Their vision to ensure the greater Wichita area has a sustainable source of water both now and in the future is why this project started. Wichita's water supply projects administrator, Gerry Blain, has been great to work with. Gerry has been especially helpful to me and my staff in navigating the details of the recharge project. I appreciate his dedication to public service.

The Equus Beds aquifer recharge project involves taking floodwater from the Little Arkansas River and depositing that excess water into the aquifer through water supply wells, after going through a filtration system. Since the 1950s, the water levels in the aquifer have dropped 40 feet because of water rights and pumping excesses. The aquifer's natural recharge rate of 6 inches per year will not keep up.

Due to this overusage, saltwater from the Southwest and oil field brine from the Northwest have threatened the aquifer. When the aquifer's levels were higher, the elevated levels created a natural barrier to keep the contamination at bay.

But now that the water levels have dropped, the natural barrier is no longer there. If the aquifer is not replenished, the maximum chloride levels will eventually exceed what is permitted in both agricultural and municipal usage. This aquifer recharge project is a win-win project for all of the communities that depend on its water.

The city of Wichita and surrounding municipalities benefit because water can be safely stored to meet short-term

and long-term water supply needs. Agricultural irrigators benefit because the risk of saltwater contamination is reduced. Without this natural barrier, an elevated water level in the aquifer, the water would eventually become contaminated to the point where it would not be suitable even for use on crops. Irrigators should see reduced costs associated with pumping, since the water levels of the aquifer will rise.

The Little Arkansas River and its ecosystem will also benefit. During the times of drought, a natural discharge from Equus Beds' aquifer into the river will occur, creating a more stable base flow.

Under S. 1025 the city of Wichita will be required to maintain and operate the recharge project, which ensures the Federal Government will not bear the cost associated with this ongoing operation.

Recharging the Equus Beds is the most cost-efficient means to provide water for the communities in south central Kansas. And it is the best option available to keep salt and oil field brine out of its critical water supply without greatly restricting water usage. So I urge my colleagues to join me today in supporting S. 1025.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the Senate bill, S. 1025.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TYLERSVILLE FISH HATCHERY CONVEYANCE ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4957) to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, as amended.

The Clerk read as follows:

H.R. 4957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TYLERSVILLE FISH HATCHERY CONVEYANCE

SECTION 101. SHORT TITLE.

This title may be cited as the ''Tylersville Fish Hatchery Conveyance Act''.

SEC. 102. CONVEYANCE OF TYLERSVILLE NATIONAL FISH HATCHERY TO THE STATE OF PENNSYLVANIA.

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Pennsylvania without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b) for use by the Pennsylvania Fish and Boat Commission as part of the State of Pennsylvania fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) consists of—

(1) the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center comprised of approximately 40 acres leased to the State of Pennsylvania Fish and Boat Commission, located on 43 Hatchery Lane in Loganton, Pennsylvania, as described in the 1984 Cooperative Agreement between the United States Fish and Wildlife Service and the State of Pennsylvania;

(2) all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, equipment, and all easements and leases relating to that property; and

(3) all water rights relating to that property.

(c) REVERSIONARY INTEREST.—If any of the property conveyed to the State of Pennsylvania under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of Pennsylvania shall ensure that all property reverting to the United States under this subsection is in substantially the same or better condition as at the time of transfer to the State.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Fish and Wildlife Foundation Reauthorization Act of 2006''.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 10(a)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(1)) is amended by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2006 through 2010''.

SEC. 203. APPLICATION OF NOTICE REQUIREMENT LIMITED TO GRANTS MADE WITH FEDERAL FUNDS.

Section 4(i) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(i)) is amended by striking ''grant of funds'' and inserting ''grant of Federal funds in an amount greater than $10,000''.

SEC. 204. CLARIFICATION OF AUTHORITY TO USE FEDERAL FUNDS TO MATCH CONTRIBUTIONS MADE TO RECIPIENTS OF NATIONAL FISH AND WILDLIFE FOUNDATION GRANTS.

Section 10(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(3)) is amended by inserting '', or to a recipient of a grant provided by the Foundation,'' after ''made to the Foundation''.

TITLE III—NEOTROPICAL MIGRATORY BIRD CONSERVATION IMPROVEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Neotropical Migratory Bird Conservation Improvement Act of 2006''.

SEC. 302. AMENDMENTS TO NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

(a) FINDINGS.—Section 2(1) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101(1)) is amended by inserting ''but breed in Canada and the United States'' after ''the Caribbean''.

(b) PURPOSES.—Section 3(2) of such Act (16 U.S.C. 6102(2)) is amended by inserting ''Canada,'' after ''United States,''.

(c) DEFINITION OF CARIBBEAN.—Section 4 of such Act (16 U.S.C. 6103) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (5), respectively;

(2) by inserting after paragraph (1) the following:

''(2) CARIBBEAN.—The term 'Caribbean' includes Puerto Rico and the United States Virgin Islands.''; and

(3) by inserting after paragraph (3), as so redesignated, the following:

''(4) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a).''.

(d) AUTHORIZATION OF PROJECTS TO ENHANCE CONSERVATION IN CANADA.—Section 5(c)(2) of such Act (16 U.S.C. 6104(c)(2)) is amended by inserting ''Canada,'' after ''the United States,''.

(e) COST SHARING.—Section 5(e)(2)(B) of such Act (16 U.S.C. 6104(e)(2)(B)) is amended to read as follows:

''(B) FORM OF PAYMENT.—

''(i) PROJECTS IN THE UNITED STATES AND CANADA.—The non-Federal share required to be paid for a project carried out in the United States or Canada shall be paid in cash.

''(ii) PROJECTS IN LATIN AMERICA AND THE CARIBBEAN.—The non-Federal share required to be paid for a project carried out in Latin America or the Caribbean may be paid in cash or in kind.''.

(f) ADVISORY GROUP.—

(1) COMPOSITION.—Section 7(b)(1) of such Act (16 U.S.C. 6106(b)(1)) is amended by adding at the end the following: ''The advisory group as a whole shall have expertise in the methods and procedures set forth in section 4(2) in each country and region of the Western Hemisphere''.

(2) ENCOURAGEMENT TO CONVENE.—The Secretary of the Interior is encouraged to convene an advisory group under section 7(b)(1) of such Act by not later than 6 months after the effective date of this Act. This paragraph shall not be considered to authorize delay of the schedule previously established by the United States Fish and Wildlife Service for the submission, judging, and awarding of grants.

(g) REPORT.—Section 8 of such Act (16 U.S.C. 6107) is amended by striking ''October 1, 2002,'' and inserting ''2 years after the date of the enactment of the Neotropical Migratory Bird Conservation Improvement Act of 2006''.

(h) NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.—

(1) IN GENERAL.—Section 9 of such Act (16 U.S.C. 6108) is amended by striking so much as precedes subsection (c) and inserting the following:

''SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the 'Neotropical Migratory Bird Conservation Fund'. The Fund shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

''(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

''(1) all amounts received by the Secretary in the form of donations under subsection (d); and

''(2) other amounts appropriated to the Fund.''.

(2) ADMINISTRATIVE EXPENSES.—Section 9(c)(2) of such Act (16 U.S.C. 6108(c)(2)) is amended by striking ''$80,000'' and inserting ''$100,000''.

(3) CONFORMING AMENDMENTS.—Such Act is amended further as follows:

(A) In section 4 (16 U.S.C. 6103), by striking paragraph (1) and inserting the following:

''(1) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a).''.

(B) In section 9(d) (16 U.S.C. 6108(d)), by striking ''Account'' and inserting ''Fund''.

(4) TRANSFER.—The Secretary of the Treasury may transfer to the Neotropical Migratory Bird Conservation Fund amounts that were in the Neotropical Migratory Bird Conservation Account immediately before the enactment of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of such Act (16 U.S.C. 6109) is amended to read as follows:

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence;

(2) by striking ''$5,000,000 for each of fiscal years 2001 through 2005'' and inserting ''for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b)''; and

(3) by adding at the end the following:

''(b) AUTHORIZED AMOUNT.—The amount referred to in subsection (a) is—

''(1) $5,000,000 for each of fiscal years 2006 and 2007;

''(2) $5,500,000 for fiscal year 2008;

''(3) $6,000,000 for fiscal year 2009; and

''(4) $6,500,000 for fiscal year 2010.

''(c) AVAILABILITY.—Amounts appropriated under this section may remain available until expended.

''(d) ALLOCATION.—Of amounts appropriated under this section for each fiscal year, not less than 75 percent shall be expended for projects carried out outside the United States.''.

TITLE IV—ED FOUNTAIN PARK EXPANSION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Ed Fountain Park Expansion Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—The term ''administrative site'' means the parcel of real property identified as ''Lands to be Conveyed to the City of Las Vegas; approximately, 7.89 acres'' on the map entitled ''Ed Fountain Park Expansion'' and dated November 1, 2005.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 403. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE ADMINISTRATIVE SITE, LAS VEGAS, NEVADA.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the administrative site for use by the City—

(1) as a park; or

(2) for any other recreation or nonprofit-related purpose.

(b) ADMINISTRATIVE EXPENSES.—As a condition of the conveyance under subsection (a), the Secretary shall require that the City pay the administrative costs of the conveyance, including survey costs and any other costs associated with the conveyance.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines that the City is not using the administrative site for a purpose described in paragraph (1) or (2) of subsection (a), all right, title, and interest of the City in and to the administrative site (including any improvements to the administrative site) shall revert, at the option of the Secretary, to the United States.

(2) HEARING.—Any determination of the Secretary with respect to a reversion under paragraph (1) shall be made—

(A) on the record; and

(B) after an opportunity for a hearing.

TITLE V—CAHABA RIVER NATIONAL WILDLIFE REFUGE EXPANSION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Cahaba River National Wildlife Refuge Expansion Act''.

SEC. 502. DEFINITIONS.

In this title:

(1) REFUGE.—The term ''Refuge'' means the Cahaba River National Wildlife Refuge and the lands and waters in such refuge in Bibb County, Alabama, as established by the Cahaba River National Wildlife Refuge Establishment Act (Public Law 106–331).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 503. EXPANSION OF BOUNDARIES.

(a) EXPANSION.—The boundaries of the Refuge are expanded to include land and water in Bibb County, Alabama, depicted as ''Proposed National Wildlife Refuge Expansion Boundary'' on the map entitled ''Cahaba River NWR Expansion'' and dated March 14, 2006.

(b) AVAILABILITY OF MAP.—The Secretary shall make the map referred to in subsection (a) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

SEC. 504. ACQUISITION OF LAND AND WATER IN EXPANDED BOUNDARIES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge as expanded by this title.

(b) MANNER OF ACQUISITION.—All acquisitions of land or waters under this section shall be made in a voluntary manner and shall not be the result of forced takings.

(c) INCLUSION IN REFUGE; ADMINISTRATION.—Any land, water, or interest acquired by the Secretary under this section—

(1) shall be part of the Refuge; and

(2) shall be administered by the Secretary in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(B) the Cahaba River National Wildlife Refuge Establishment Act; and

(C) this Act.

TITLE VI—CHERRY VALLEY NATIONAL WILDLIFE REFUGE

SEC. 601. SHORT TITLE.

This title may be cited as the ''Cherry Valley National Wildlife Refuge Study Act''.

SEC. 602. FINDINGS.

The Congress finds the following:

(1) The scenic Cherry Valley area of Northeastern Pennsylvania is blessed with more than 80 special-concern animal and plant species and natural habitats.

(2) In a preliminary assessment of Cherry Valley, United States Fish and Wildlife Service biologists ranked Cherry Valley very high as a potential national wildlife refuge.

(3) Six species that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) have been documented within or near Cherry Valley: The bog turtle (possibly the most significant population of the listed subspecies), the dwarf wedge mussel, the northeastern bulrush, the small whorled pogonia, the bald eagle, and the Indiana bat (a historic resident, with efforts under way to re-establish favorable conditions).

(4) Cherry Valley provides habitat for at least 79 species of national or regional concern, which either nest in Cherry Valley or migrate through the area during critical times in their life cycle, including—

(A) neo-tropical migratory birds such as the Cerulean Warbler, the Worm-eating Warbler, and the Wood Thrush, all of which nest in Cherry Valley;

(B) waterfowl such as the American Black Duck;

(C) several globally rare plants, such as the spreading globeflower; and

(D) anadromous fish species.

(5) The Cherry Valley watershed encompasses a large segment of the Kittatinny Ridge, an important migration route for birds of prey throughout the Northeastern United States. Every migratory raptor species in the Northeast is regularly observed along the Kittatinny Ridge during the autumnal migration, including the bald eagle, the golden eagle, and the broad-winged hawk.

(6) The Kittatinny Ridge also includes a long segment of the Appalachian Trail, a nationally significant natural-cultural-recreational feature.

(7) Many of the significant wildlife habitats found in the Cherry Valley, especially the rare calcareous wetlands, have disappeared from other localities in their range.

(8) Ongoing studies have documented the high water quality of Cherry Creek.

(9) Public meetings over several years have demonstrated strong, deep, and growing local support for a Cherry Valley National Wildlife Refuge, as demonstrated by the following:

(A) Area landowners, business and community leaders, media, and elected officials have consistently voiced their enthusiasm for a Cherry Valley National Wildlife Refuge.

(B) Numerous local communities and public and private conservation entities share complementary goals for protecting Cherry Valley and are energetically conserving wildlife habitat and farmland. Along with State land-management agencies and the National Park Service, these local entities represent potential strong partners for the United States Fish and Wildlife Service, and view a Cherry Valley National Wildlife Refuge as a complement to existing private, county, municipal, and State efforts.

(C) A number of local landowners have already put their land into conservation easements or other conservation arrangements.

(D) A voter-approved Monroe County Open Space Fund and a voter-approved Stroud Township municipal land conservation fund have contributed to many of these projects.

(10) Two federally owned parcels of land are contiguous to the area to be studied under this title as for acquisition and inclusion in a future Cherry Valley National Wildlife Refuge: The Delaware Water Gap National Recreation Area and a 700-acre segment of the Appalachian Trail owned by the National Park Service.

SEC. 603. STUDY OF REFUGE POTENTIAL AND FUTURE REFUGE LAND ACQUISITION.

(a) STUDY.—The Secretary shall initiate within 30 days after the date of the enactment of this Act a study to evaluate the fish and wildlife habitat and aquatic and terrestrial communities located in Northeastern Pennsylvania and identified on the map entitled, ''Proposed Cherry Valley National Wildlife Refuge—Authorization Boundary'', dated February 24, 2005, for their potential acquisition by the United States Fish and Wildlife Service through donation, exchange, or willing seller purchase and subsequent inclusion in a future Cherry Valley National Wildlife Refuge.

(b) CONSULTATION.—The Secretary, while conducting the study required under this section, shall consult appropriate State and local officials, private conservation organizations, major landowners and other interested persons, regarding the identification of eligible lands, waters, and interests therein that are appropriate for acquisition for a national wildlife refuge and the determination

of boundaries within which such acquisitions should be made.

(c) COMPONENTS OF STUDY.—As part of the study under this section the Secretary shall do the following:

(1) Determine if the fish and wildlife habitat and aquatic and terrestrial communities to be evaluated are suitable for inclusion in the National Wildlife Refuge System and management under the policies of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(2) Assess the conservation benefits to be gained from the establishment of a Cherry Valley National Wildlife Refuge including—

(A) preservation and maintenance of diverse populations of fish, wildlife, and plants, including species listed as threatened species or endangered species;

(B) protection and enhancement of aquatic and wetland habitats;

(C) opportunities for compatible wildlife-dependent recreation, scientific research, and environmental education and interpretation; and

(D) fulfillment of international obligations of the United States with respect to fish, wildlife, and their habitats.

(3) Provide an opportunity for public participation and give special consideration to views expressed by local public and private entities regarding lands, waters, and interests therein for potential future acquisition for refuge purposes.

(4) The total area of lands, water, and interests therein that may be acquired shall not in the aggregate exceed 30,000 acres.

(d) REPORT.—The Secretary shall, within 12 months after date of the enactment of this Act, complete the study required by this section and submit a report containing the results thereof to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall include—

(1) a map that identifies and prioritizes specific lands, waters, and interests therein for future acquisition, and that delineates an acquisition boundary, for a potential Cherry Valley National Wildlife Refuge;

(2) a cost estimate for the acquisition of all lands, waters, and interests therein that are appropriate for refuge status; and

(3) an estimate of potentially available acquisition and management funds from non-Federal sources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $200,000 to carry out the study.

SEC. 604. DEFINITIONS.

In this title the term ''Secretary'' means the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service.

TITLE VII—GREAT APE CONSERVATION

SEC. 701. GREAT APE CONSERVATION ASSISTANCE.

Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (d)—

(A) in paragraph (4)(C), by striking ''or'' after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(6) address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters.''; and

(2) in subsection (i)—

(A) by striking ''Every'' and inserting the following:

''(1) IN GENERAL.—Every'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''shall'' and inserting ''may''; and

(C) by adding at the end the following:

''(2) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).''.

SEC. 702. GREAT APE CONSERVATION FUND.

Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended—

(1) by striking ''expand'' and inserting ''expend''; and

(2) by striking ''$80,000'' and inserting ''$100,000''.

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2006 through 2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4957 contains several important conservation titles. It would first convey the Tylersville National Fish Hatchery to the State of Pennsylvania, a provision authored by Congressman JOHN PETERSON and Senator RICK SANTORUM.

The Pennsylvania Fish and Boat Commission has been operating this facility under a long-term lease agreement with the Fish and Wildlife Service. By all accounts they have operated this hatchery in a highly effective manner, producing adult trout for thousands of recreational fishermen and investing nearly $4 million in improvements. The U.S. Fish and Wildlife Service has testified that this facility is not considered an active component of the Federal Fish Hatchery System.

Title II of this bill is based on the text of H.R. 1428, the National Fish and Wildlife Foundation Reauthorization Act, as passed by the House. It will simply extend the existing authorization levels for the National Fish and Wildlife Foundation. The foundation has funded more than 6,500 conservation projects and involved more than 1,800 conservation organizations.

The goal of those projects has been to increase resources for fish and wildlife conservation and develop innovative conservation solutions while respecting private property rights and sustaining healthy ecosystems.

Title III of the legislation will extend the Neotropical Migratory Bird Conservation Act of 2000, legislation which has already been passed by the House. This will allow the Secretary of the Interior to continue to approve grants for the conservation of the more than 800 species of neotropical birds that migrate and reside throughout North America.

Title IV incorporates the text of the Ed Fountain Park Expansion Act, approved by the other body on July 11. Under this provision, about 8 acres of Federal land would be conveyed from the Fish and Wildlife Service to the city of Las Vegas, Nevada. There, land was once used as the headquarters for the Desert National Wildlife Refuge, but the only remaining structure on the property is an abandoned storage building.

The city of Las Vegas would pay administrative transfer costs and the property would revert back to the Federal Government if not used for a park.

Title V incorporates the House-passed language of H.R. 4947, the Cahaba River National Wildlife Refuge Expansion Act. The Cahaba River is the longest free-flowing river in the State of Alabama, and it may have the greatest fish biodiversity per mile of any river in the United States. This measure will modestly expand the boundaries of the existing refuge.

Title VI incorporates the House-passed text of H.R. 5232, the Cherry Valley National Wildlife Refuge Study Act. This legislation requires the Fish and Wildlife Service to evaluate the potential of creating a new national wildlife refuge in northeastern Pennsylvania.

Finally, there is an extension of existing authorization of appropriation levels for the Great Ape Conservation Act taken from S. 1250 which passed the Senate earlier this month.

For the past 6 years, about $1 million per year has been spent to stop great ape species from sliding toward extinction. The Fish and Wildlife Service has assisted endangered chimpanzees, gorillas and orangutans through 155 projects in dozens of range States and leveraged an additional $7.7 million in private matching funds.

Mr. Speaker, I urge an ''aye'' vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 4957, an omnibus package of fish, wildlife and conservation legislation. I thank Chairman POMBO and Ranking Member NICK RAHALL of the Committee on Resources for bringing this legislation to the House floor.

Title I of H.R. 4957 is noncontroversial legislation sponsored by Representative JOHN PETERSON. It will direct the Secretary of the Interior to convey the Tylersville National Fish Hatchery to the State of Pennsylvania.

Mr. Speaker, also included in the omnibus legislation before us today are a number of other important conservation measures, all of which have previously passed either the House or the Senate.

Title II contains the text of H.R. 1428, legislation sponsored by Chairman POMBO. It will reauthorize the National Fish and Wildlife Foundation which has been a valuable resource in fostering private-public conservation partnerships.

Title III includes H.R. 158, legislation sponsored by Congressman RON KIND, that would reauthorize and enhance the Neotropical Migratory Bird Conservation Act. Since 2000, $17.2 million of Federal funding under this act has supported 186 conservation projects in 42 U.S. States and 30 Latin American and Caribbean countries.

This investment has leveraged an additional $89.1 million in total partner contributions to conserve some 3.2 million acres of bird habitat. I applaud Congressman KIND for his dedication and leadership on this critical conservation issue.

Title IV includes H.R. 4345, legislation sponsored by our colleague from Nevada, Representative SHELLEY BERKLEY, which would transfer abandoned Federal property to the city of Las Vegas to enhance popular park and recreational programs. Both Representative BERKLEY and Senator HARRY REID of Nevada deserve credit for this initiative.

Title V includes H.R. 4947, a bill sponsored by Representative BACHUS which would expand the Cahaba National Wildlife Refuge in Alabama.

Title VI includes H.R. 5232, a bill sponsored by Representative KANJORSKI, which directs the Fish and Wildlife Service to complete its study for a new refuge in the Cherry Valley region of northeast Pennsylvania.

Representative KANJORSKI has worked throughout the process to address the concerns of all stakeholders, and this study would be the catalyst towards achieving the long-term protection of this area.

Mr. Speaker, last but certainly not least, Title VII contains S. 1250, legislation sponsored by Senator JEFFORDS, that would reauthorize funding for the Great Ape Conservation Act.

I commend the sponsor of the House companion bill, H.R. 2693, and the author of the original act, Representative GEORGE MILLER of California, for his continued leadership in international wildlife conservation, for raising awareness of the dire plight of great apes in Africa.

In closing, the fish and wildlife and conservation titles in this legislation are all worthy of our support. I urge adoption of H.R. 4957.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Michigan for being so gracious with this legislation that is so important to my constituents.

Mr. Speaker, I rise today in strong support of this legislation. My primary interest in this bill, although all of it is very laudatory, is title IV, which incorporates the language of legislation I introduced earlier this year, the Ed Fountain Park Expansion Act.

This language, which, as has been previously mentioned, has already been approved by the Senate and would transfer a vacant 8-acre parcel of land from the U.S. Fish and Wildlife Service to the city of Las Vegas for the expansion of the Ed Fountain Park. The city of Las Vegas intends to build a new community center on the site to complement the existing recreational elements of the park, which include lighted soccer fields, outdoor basketball courts, an artificial turf football field, a bicycle track, and picnic areas.

The Fish and Wildlife Service has no further use for this property, which had previously housed the headquarters of the Desert National Wildlife Refuge at a time when this location was on the outskirts of Las Vegas. Due to the phenomenal growth we have experienced in southern Nevada, the site is very much now in the middle of town, and I cannot think of a better use for it than expanding a popular and valuable community resource.

□ 1700

Again, I would like to thank Chairman GILCHREST and Ranking Member PALLONE from the Fisheries Subcommittee for their assistance in moving this issue forward. I urge all the Members to support the underlying bill, and again thank the chairman and the ranking member for their extraordinary support.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislative package, which will reauthorize important international fish and wildlife conservation programs and will expand national parks and wildlife refuges.

In particular, I want to draw special attention to the Great Ape Conservation Act. The reauthorization that's before us today was introduced by Senator JEFFORDS last June, following a bill that I introduced in May 2005 with Rep. BAIRD.

It has now been more than 5 years since the Great Ape Conservation Act was signed into law. In that time, this program has helped protect threatened primates, including chimpanzees, gorillas, bonobos, orangutans, and gibbons. I'm very pleased that the House is now poised to pass this reauthorization, which is needed to continue progress in this important field.

As the Fish and Wildlife Service testified in the Resources Committee last June, ''Much of the success of the Great Ape Conservation Act has been a direct result of the unique small project focus on on-the-ground conservation projects in Africa and Asia.'' The funds provided by the Great Ape Conservation Act have gone to such diverse projects as: protecting chimpanzee habitat from logging operations; establishing anti-poaching enforcement units; starting conservation education programs; coordinating gibbon population surveys and threat assessments; and implementing ape health monitoring programs.

Like the other Multinational Species programs, Federal funds under the Great Ape Conservation Act are distributed as matching grants, meaning that the expense for these projects is shared between the Federal government and project partners. This match requirement has leveraged over $7.7 million in non-federal contributions over the period of 2001–2005 and has more than doubled the actual funding for conservation projects.

But despite the ongoing successes of the Act, the threats to these noble primates continue, and time is not on our side. Press accounts and reports from the field indicate that these species continue to be placed in jeopardy by habitat loss, poaching, logging, and the bush meat trade. The bill before us today specifically authorizes funding to address these root causes of threats to great apes.

The contributions of the Great Ape Conservation Act have been very important in the international efforts to protect and conserve the great apes of Africa and Asia, but there is much work yet to be done. Accordingly, today's bill extends the program's authorization through the year 2010.

As I said when I introduced the Great Ape Conservation Act of 2000, the task ahead is daunting. But the ecological consequences of not acting are far more tragic if it means that great apes will cease to exist in the wild.

I want to thank the Resources Committee staff, especially Dave Jansen, for their work in shepherding this bill through the House, and I urge my colleagues to support this legislation.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 4957, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.''

A motion to reconsider was laid on the table.

PARTNERS FOR FISH AND WILDLIFE ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 260) to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners For Fish and Wildlife Program.

The Clerk read as follows:

S. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Partners for Fish and Wildlife Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is no readily available source of technical biological information that the public can access to assist with the application of state-of-the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects is needed;

(5) durable partnerships working collaboratively with willing private landowners to implement on-the-ground projects has lead to the reduction of endangered species listings;

(6) Executive Order No. 13352 (69 Fed. Reg. 52989) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs involving the collaboration of Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals;

(7) since 1987, the Partners for Fish and Wildlife Program has exemplified cooperative conservation as an innovative, voluntary partnership program that helps private landowners restore wetland and other important fish and wildlife habitat; and

(8) through 33,103 agreements with private landowners, the Partners for Fish and Wildlife Program has accomplished the restoration of 677,000 acres of wetland, 1,253,700 acres of prairie and native grasslands, and 5,560 miles of riparian and in-stream habitat since 1987, demonstrating much of that success since only 2001.

(b) PURPOSE.—The purpose of this Act is to provide for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL TRUST SPECIES.—The term ''Federal trust species'' means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

(2) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term ''habitat enhancement'' means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or seral stage of the habitat.

(B) INCLUSIONS.—The term ''habitat enhancement'' includes—

(i) an activity conducted to increase or decrease a specific function for the purpose of benefitting species, including—

(I) increasing the hydroperiod and water depth of a stream or wetland beyond what would naturally occur;

(II) improving waterfowl habitat conditions;

(III) establishing water level management capabilities for native plant communities;

(IV) creating mud flat conditions important for shorebirds; and

(V) cross fencing or establishing a rotational grazing system on native range to improve grassland nesting bird habitat conditions; and

(ii) an activity conducted to shift a native plant community successional stage, including—

(I) burning an established native grass community to reduce or eliminate invading brush or exotic species;

(II) brush shearing to set back early successional plant communities; and

(III) forest management that promotes a particular seral stage.

(C) EXCLUSIONS.—The term ''habitat enhancement'' does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

(3) HABITAT ESTABLISHMENT.—The term ''habitat establishment'' means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

(A) shallow water impoundments on nonhydric soils; and

(B) side channel spawning and rearing habitat.

(4) HABITAT IMPROVEMENT.—The term ''habitat improvement'' means restoring, enhancing, or establishing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(5) HABITAT RESTORATION.—

(A) IN GENERAL.—The term ''habitat restoration'' means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

(B) INCLUSIONS.—The term ''habitat restoration'' includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(I) removing tile drains or plugging drainage ditches in former or degraded wetland;

(II) returning meanders and sustainable profiles to straightened streams;

(III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and

(IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

(6) PRIVATE LAND.—

(A) IN GENERAL.—The term ''private land'' means any land that is not owned by the Federal Government or a State.

(B) INCLUSIONS.—The term ''private land'' includes tribal land and Hawaiian homeland.

(7) PROJECT.—The term ''project'' means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

(1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and

(2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than $75,000,000 for each of fiscal years 2006 through 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support S. 260, the Partners For Fish and Wildlife Act, and compliment the House and Senate authors of this legislation, Representative JOHN SULLIVAN and Senator JAMES INHOFE of Oklahoma.

This is not a new Federal program. It has been administratively managed by the U.S. Fish and Wildlife Service for over two decades. It is based on the innovative concept that wildlife populations and their habitats can be effectively conserved, managed and restored through voluntary agreements between private landowners and the Federal Government.

During the past 20 years, more than 35,000 agreements have been signed throughout the United States. The result has been remarkable with the protection, restoration and enhancement of nearly 2.5 million acres of important fish and wildlife habitat. In specific terms, over 700,000 acres of wetlands, 1.5 million acres of upland habitat and 6,000 miles of riparian and instream habitat have been restored. In addition, over 120,000 acres have been treated for invasive species, and 194 barriers to the fish passage have been removed.

What this legislation simply proposes is to build upon the existing successes by converting the line item within the Fish and Wildlife Service budget to a congressionally authorized program. By so doing, we will provide stability to the program, highlight the benefits of public and private partnership, and increase the amount of congressional oversight in the future.

S. 260 is strongly supported by the Bush administration to States, private landowners and wildlife conservation organizations. The Partners Program has been a huge success, and we should ensure that this innovative program will flourish in the future.

I urge an ''aye'' vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation that will provide a statutory authorization for the Partners for Fish and Wildlife program. This popular program facilitates cooperation between the U.S. Fish and Wildlife Service and non-Federal organizations to voluntarily protect, conserve and restore habitat important to fish and wildlife.

It is our understanding that this legislation ratifies the existing administrative program, and that the service will implement the act under its existing regulations. I urge Members to support S. 260.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield as much time as he may consume to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in strong support of S. 260, the Partners for Fish and Wildlife Act, which was introduced in the Senate by my friend and fellow Oklahoman, Senator INHOFE.

I would like to thank some of the people that work on the staff, Nathan Richmond and the famous Ryan Jackson on the Public Works Committee for all their support. The bill is supported by 34 different sportsmen and conservation groups.

I would like to thank my colleagues, Fisheries and Oceans Subcommittee Chairman GILCHREST and House Resources Chairman POMBO, for their consideration and leadership on this bill. I was proud to introduce companion legislation, H.R. 2018, in the House last year.

Senate bill 260 will authorize the popular Partners for Fish and Wildlife program. The Partners Program provides technical and financial assistance to private landowners to voluntarily restore wetlands and other fish and wildlife habitat on their own land.

With more than 80 percent of the fish and wildlife in the United States on private lands, S. 260 is needed to encourage public-private landowners in Oklahoma and around our Nation to enter into agreements with the Federal Government to conserve valuable natural habitat and wildlife.

Since 1987, the U.S. Fish and Wildlife Service has operated the Partners Program as a separate line item under the President's budget, subjecting these funds to reprogramming within the Fish and Wildlife Services.

Senate bill 260 authorizes up to $75 million through fiscal year 2011 to allow this successful program to stabilize and expand. Given that thousands of landowners are eager to participate in the Partners Program, Senate bill 260 couldn't come at a better time.

As a sportsman, I believe that it is our responsibility to protect and preserve our natural resources. There are few things I enjoy more than fishing with my kids, and we owe our future generations the same opportunity.

Most people think that wildlife conservation and the rights of private landholders are a naturally combative force and are mutually exclusive. The Partners Program is a shining example of how we can protect wildlife and the property of individuals at the same time.

The simple fact is the future of our natural resources depends on the conservation of habitat, the successful management of wildlife, and the control of invasive species on private land. Passage of S. 260 today is critical to ensure its continued success.

Mr. JONES of North Carolina. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the Senate bill, S. 260.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CITY OF OXNARD WATER RECYCLING AND DESALINATION ACT OF 2006

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2334) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters water in the area of Oxnard, California, as amended.

The Clerk read as follows:

H.R. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''City of Oxnard Water Recycling and Desalination Act of 2006''.

SEC. 2. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. ___. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the following:

''(1) The operations and maintenance of the project described in subsection (a).

''(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the last item the following:

''Sec. . Oxnard, California, water reclaimation, reuse, and treatment project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2334, sponsored by Congresswoman LOIS CAPPS, authorizes the Bureau of Reclamation to participate in a water recycling and desalting project with the city of Oxnard, California.

As water demands grow and supplies become more scarce in southern Carolina, this bill will help provide regional water supply solutions to the Oxnard Plain. Using an innovative recycling and groundwater injection system, this program will provide many regional benefits and is designed to help meet the city's water supply needs through the year 2030. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2334, legislation sponsored by the gentlewoman from California, LOIS CAPPS.

With almost no assistance from the Federal Government, the city of Oxnard is making significant improvements to its municipal water system. A key part of their project, called the GREAT project, is to stretch local water supplies with new projects for desalting and water recycling. Especially in our western States, projects

like this can help cities protect themselves from drought and reduce the need to import water from distant reservoirs. H.R. 2334 will make a very modest amount of Federal financial help available to help construct this project.

I urge my colleagues to support H.R. 2334.

Mr. Speaker, at this time, I yield such time as she may consume to the gentlewoman from California, LOIS CAPPS.

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, my hope is that I can explain and demonstrate sufficiently the enthusiasm for this legislation by my constituents in the city of Oxnard. I rise in support of H.R. 2334, and it is called the Oxnard Water Recycling and Desalination Act.

First I want to thank Chairman POMBO and Ranking Member RAHALL for their support of this measure. I also want to thank the subcommittee chairman, Mr. RADANOVICH, and Ranking Member NAPOLITANO and their staffs for the key role in the bill's passage.

H.R. 2334 authorizes a regional water resources project. It is named the Groundwater Recovery Enhancement and Treatment Act, or, as the initials will summarize to, it is the GREAT program, and it is great in many ways, located in my congressional district.

Oxnard, California, as so many communities today, are faced with the difficult task of providing reliable and safe drinking water for their customers. The city of Oxnard has taken this situation and worked on it. It is one of California's fastest growing cities. The water needs of the city's agricultural users has exceeded its local water resources. Agriculture is the mainstay of the economy and the region, but at the same time many people are moving to the area.

Now, consequently, over 50 percent of its water has had to be imported from outside sources. Recognizing these challenges, Oxnard developed the GREAT program to address its long-term water needs, and as my colleague, Mr. KILDEE from Michigan illustrated, the city itself and the surrounding areas grappled with this issue themselves, recognizing that they needed to be creative and come up with a solution that would meet their needs.

This GREAT program includes a new regional groundwater desalination facility to serve potable water customers in the city of Oxnard. It includes a recycled water system to include agricultural water users and an added protection against seawater intrusion.

Finally, it includes a wetlands restoration component that reuses the discharges from the groundwater desalination and recycled groundwater treatment facilities. It is a full-circle opportunity to take every advantage of the water supplies that are there to enhance them and even to reuse them.

Implementation of this GREAT program will provide many significant regional benefits. It will reduce the consumption of groundwater for agricultural and industrial purposes. It will cut imported delivery water requirements, and it will improve local reliability of high-quality water deliveries. It will also add enormously to the restoration of the wetlands in the region.

Mr. Speaker, I commend this Resources Committee for trying to find innovative and effective ways of extending water supplies in the West.

□ 1715

In my view, the City of Oxnard Water and Desalination Act offers such a creative solution.

Again, I thank the Committee on Resources for supporting this bill, and I urge its immediate passage.

Mr. Speaker, I rise in strong support of H.R. 2334, the City of Oxnard Water Recycling and Desalination Act.

First, I want to thank my colleagues from California, the chairman of the Resources Committee, Mr. POMBO, the chairman and ranking member of the Subcommittee on Water and Power, Mr. RADANOVICH and Ms. NAPOLITANO, as well as the ranking member of the full committee, Mr. RAHALL, for expediting the consideration of this legislation and for bringing H.R. 2334 before us today.

H.R. 2334 would authorize a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment or GREAT Program—located in my congressional district.

As you know, many communities today are faced with the difficult task of providing reliable and safe water to their customers. The city of Oxnard is no exception.

Oxnard is one the California's fastest growing cities and is facing an ever growing crisis: It's running out of affordable water. The water needs for the city's agricultural and industrial base, together with its growing population, has exceeded its local water resources. Consequently, over 50 percent of its water has to be imported from outside sources.

However, through a series of local, State and Federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising. Recognizing these challenges, Oxnard developed the GREAT Program to address its long term water needs.

The GREAT Program elements include: a new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities; a recycled water system to serve agricultural water users, and added protection against seawater intrusion and saltwater contamination; and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination component will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resources into to the groundwater to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also includes pumping groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient rich water to the existing wetlands at Ormond Beach.

Mr. Speaker, I commend the Resources Committee for trying to find innovative and effective ways of extending water supplies in the West. In my view, the city of Oxnard Water Recycling and Desalination Act offers such a creative solution. It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Again, I would like to thank the Committee on Resources for supporting this bill, and urge its immediate passage.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 2334, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.''

A motion to reconsider was laid on the table.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2006

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2832) to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

The Clerk read as follows:

S. 2832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Appalachian Regional Development Act Amendments of 2006''.

SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A), by striking clause (i) and inserting the following:

''(i) the amount of the grant shall not exceed—

''(I) 50 percent of administrative expenses;

''(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

''(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

''(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.''.

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized by this section, may be made for up to—

''(A) 50 percent of the cost of that operation;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.''; and

(2) in subsection (f), by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

''(A) 70 percent; or

''(B) the maximum Federal contribution percentage authorized by this section.''.

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

''(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

''(A) 50 percent of that cost;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost.''; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

''(A) not be made to an organization established for profit; and

''(B) except as provided in paragraph (2), not exceed—

''(i) 50 percent of those expenses;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.''.

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.''.

SEC. 3. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

Section 14526(a)(1) of title 40, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) in subparagraph (A), by striking ''and'' at the end; and

(3) by inserting after subparagraph (A) the following:

''(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 14703 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—In addition to amounts made available under section 14501, there are authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

''(1) $95,200,000 for fiscal year 2007;

''(2) $98,600,000 for fiscal year 2008;

''(3) $102,000,000 for fiscal year 2009;

''(4) $105,700,000 for fiscal year 2010; and

''(5) $109,400,000 for fiscal year 2011.''.

SEC. 5. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking ''2006'' and inserting ''2011''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2832 reauthorizes and improves the Appalachian Regional Commission, the ARC. I want to point out very early on that there are no earmarks in this legislation.

The ARC has been a successful program for the past 40 years and has helped reduce the Appalachian region's poverty level, cut the infant mortality rate, increased the percentage of adults with a high school diploma, provided water and sewer services to a significant number of households and businesses, and created new jobs.

S. 2832 is a simple 5-year reauthorization, increasing authorization levels to adjust for inflation. The reauthorization also makes a minor change to the economic status designations of ARC counties. Currently ARC has four statutory designations which are determined by the unemployment rate, per capita income and poverty rate of each ARC county.

The bill creates an additional designation to assist counties that are at

risk, yet don't fully qualify as distressed. Currently these counties may only be funded up to 50 percent of project costs. At-risk counties have fragile economies and have significant difficulty meeting the current 50 percent match rate to participate in the program.

In many cases, at-risk counties were recently distressed and eligible for an 80 percent Federal match. The addition of the ''at risk'' designation will further assist counties as they transition from distressed to the transitional designation and fund projects in these counties up to 70 percent of the project costs.

The ARC is viewed by most as a successful model for economic development, and the ARC has done a great job encouraging local economic development by making use of local resources for the benefit of the community.

It was recently estimated that each dollar of ARC funding leveraged $2.57 in other public funding and $8.46 in related private funding. The ability to leverage a large amount of other public and private funding makes ARC a very valuable tool for our communities.

The Appalachian Regional Commission is a vital tool for economic development in Appalachia, and the program will end in 10 days unless we pass S. 2832 today. I want to repeat, the program will end in 10 days unless we pass S. 2832 today. We must ensure continuation of the successful program and further express our support of the hardworking people in the Appalachian region.

I want to remind my fellow colleagues that there are no earmarks in this reauthorization.

I encourage my colleagues to join me in support of S. 2832.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee.

Mr. DAVIS of Tennessee. Mr. Speaker, it is with true regret that I rise to urge my colleagues to oppose S. 2832, a bill to reauthorize the Appalachian Regional Commission. I urge my colleagues to oppose this bill not for what it does, but for what it does not do. S. 2832 does not protect each ARC State funding allocation from the effects of earmarking in this Chamber.

The House bill does contain such protection. H.R. 5812, which has strong bipartisan support, contains language that provides each State with protection against raiding its funding allocation for earmarked projects. The House bill contains a provision that says, ''Funds approved by the Commission for a project in an Appalachian State pursuant to Congressional direction shall be derived from such State's portion of the Commission's allocations of appropriated amounts among the States.''

By requiring that funds for earmarked projects come from the State allocation, this language protects all rank-and-file members in ARC counties from an inequitable distribution of ARC funds.

The Senate bill contains no such provision. It is inconsistent with earmark reform legislation and does nothing to stop the unbalanced distribution of funds that is characteristic of earmarking. With its very limited amount of program funds, it is essential that fund allocations be done based on need, not on the whims of a few.

We are all aware of the phenomenal success of the Appalachian Regional Commission. Since its creation in 1965, the ARC has worked to transform the Appalachian region and bring it into the American economic mainstream. The number of economically distressed counties has been cut by more than half. The per capita income gap between Appalachia and the U.S. has been reduced from 22 percent below the national average in 1965 to 18 percent in 2001. Infant mortality rates have fallen, and adults with high school diplomas have increased by over 70 percent.

To ensure progress and ongoing success of this breakthrough ARC program, it is essential that each State receive its fair share based on the ARC formula. S. 2832 opens the door for tampering with this successful formula, and I encourage my colleagues on both sides of the aisle to oppose S. 2832.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to remind the gentleman, my good friend from Tennessee, that if we oppose this legislation, in 10 days this important legislation and important Commission will expire, so it is imperative that we pass this piece of legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO), who has been a great leader on moving forward this reauthorization bill.

Mrs. CAPITO. Mr. Speaker, I would like to thank the chairman for not only his interest in this legislation, but his willingness to come to my State and his support.

I rise in support of this legislation to reauthorize the Appalachian Regional Commission through 2011. My State of West Virginia is the only State fully within the boundaries of the ARC, and I am proud of the work that the Commission has accomplished in our State.

Since the last reauthorization, three counties in my congressional district, and I have 18 counties, three of those counties, Lewis, Upshur and Randolph, have been removed from the list of economically distressed counties. That is good news. Putnam County, another one of my counties, has jumped to the competitive category.

I am pleased that this legislation codifies ARC's at-risk designation to protect counties like Lewis and Upshur that have fragile economies and could be in danger of falling back into the distressed category. This bill will permit the ARC to fund up to 70 percent of the cost of projects in designated at-risk counties.

The chairman of the subcommittee Mr. SHUSTER, the ARC Federal cochair Anne Pope, and I held a listening session earlier this month in Randolph County to hear some of the ways that the ARC has helped spur growth. We heard from several local elected officials, and we heard from really a variety of different entities in the county on how the ARC has helped spur development in Randolph County.

The director of the West Virginia Wood Technology Center spoke to us about an ARC grant that helped workers learn the skills they need to work in the timber industry, in the forest industry. We heard from a teacher who received an entrepreneurship award to train high school students and actually won an award for that and traveled to Washington with her student to accept that award, and has since spurred that student on to graduating from college and becoming an accountant.

We heard from the chairman of a rural public service district who is expanding sewer service with ARC funds. And we heard from the director of a regional planning council that assisted a seven-county region in obtaining grant funds for economic development.

Job training, economic development, education benefits, housing and helping to build a community infrastructure are just some of the achievements of the ARC in this one county over the last several years.

Mr. Speaker, I look forward to the day when every West Virginia county and every Appalachian county is strong enough economically that the ARC is unnecessary. Until then, since 1965 until in 2011, until then, however, ARC is a tremendous asset in improving communities across the region.

I know that there is some disagreement regarding this legislation, we heard about that, but the ARC and the programs it supports has broad bipartisan support across Appalachia. The Senate passed this bill by unanimous consent, and I hope my colleagues will pass the bill so that it can be signed into law.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I love the Appalachian Regional Commission. I love what it has accomplished. I have followed the work of Franklin D. Roosevelt, Jr., when he was designated by John F. Kennedy to travel throughout the 13 States of the Appalachian region and report back to him on his findings and suggestions of what to do and how to rebuild the economies of those 13 States.

Out of that came the Appalachian Regional Commission. I was staff director on the Committee on Public Works then at the time and participated in the drafting of the ARC bill, and separately the writing of the Public Works and Economic Development Act of 1965. I have one of the pens that Lyndon

Johnson used to sign the EDA bill into law.

Years later, when it became my opportunity to be a Member of Congress and to chair the Investigations and Oversight Subcommittee, and the Economic Development Subcommittee prior to that, it was at a time when President Reagan had just been elected and submitted his budget to the Congress, the Budget Reconciliation Act. It called for abolishing the Appalachian Regional Commission and the Economic Development Administration.

I said that is not right. We are not going to stand and let that happen. The gentleman's predecessor, his father Bud Shuster, stood with us as we stood up to the Reagan administration, to Budget Director Stockman, and we traveled throughout the Appalachian region holding hearings.

We heard such wonderful testimony as before the Appalachian Regional Commission. The way up for people in this region was a bus ticket north to Detroit and Chicago and Cleveland. But the economy for 100 years was characterized by 80 acres and a mule.

We went to Duff, Tennessee, and heard from Tilda Kemplen, director of a child development center, who said at the conclusion of her testimony, ''Gentleman,'' and the gentleman there at the hearing were myself and Mr. Clinger of Pennsylvania, the ranking Republican on the subcommittee, she said, ''Gentleman, when you go back to Washington and look at the dollar, try to look over the top of the dollar, not to see George Washington, but to see a child.''

And when we went into West Virginia, we stayed with the previous speaker. The mayor of the little town at which we held our hearing took us around the town to see what it had looked like and what it was coming to be with the investments from ARC. And as I stood in the store which the mayor owned and operated, behind the cash register on the wall was a little sign that said, ''God never put nobody in a place too small to grow.'' That is the spirit of Appalachia.

Over the years, those investments of the ARC have taken this region, which was at 45 percent of per capita income, and boosted it up to 75 percent of national capita income. That is an extraordinary accomplishment.

The Backbone Highway System that has opened the region up to trade and growth and opportunity has been critical to the growth of this region. But in 1982, the administration said, no, we don't want to continue this program. But the Congress said yes. We reported a bill from the Committee on Public Works, brought it to the House floor, passed 382 to something. But the Senate wouldn't act on it; it was a Republican majority in the Senate. They were working with the administration, and they said no.

But because the House had spoken, the House Appropriations Committee, they said the House has spoken on this, and we will appropriate the funds and the authorization with it, and for 16 years that is the way it went.

□ 1730

In appropriations we would in every Congress pass the reauthorization of ARC. The administration would oppose it, Reagan one and two and Bush one, and the House would speak in the appropriations, and the authorization would pass, until Chairman SHUSTER.

In 1998, we finally got an authorization bill through the House and through the Senate by the same 380-plus margins. But what has happened since then is the funding authorization numbers have not been matched by the appropriation numbers. A phenomenon has occurred in the last 2 fiscal years, the Appropriations Committee substituting its judgment for the judgment of the grassroots people in the Appalachian region.

This is a unique process by which people come to approval of projects. It starts at the county level, starts with the regional development commission, starts with the mayor, council. The business people meet, decide what their needs are, make recommendations. It is approved by the development district organization. It then goes to the State and then goes to the Commission, and the Commission then approves the projects and then the budget comes to the Congress.

Then the Appropriations Committee, in the last 2 years, has said, oh, you know, forget about that; we have our own priorities and we are going to designate money. But their designations dilute the funding for the other States. There are three States. Ohio doubled its share, 113 percent increase of ARC funding; West Virginia, 31 percent increase; North Carolina increase, 14 percent. What does that mean for the rest of the States? That means Alabama is down 20 percent, Georgia is down 19.6, Kentucky is down a percent and a half; Maryland is down 20 percent. I will put these all in the RECORD at this point and not go through every one of them because we are dealing with a closed circle.

To pay for these earmarks, most of the other 10 ARC States' formula funds are cut by 20 percent: Alabama, −20.4 percent; Georgia, −19.6 percent; Kentucky, −1.5 percent; Maryland, −20.3 percent; Mississippi, −21.1 percent; New York, −19.5 percent; Pennsylvania, −20.0 percent; South Carolina, −20.5 percent; Tennessee, −20.5 percent; and Virginia, −19.1 percent.

What does that mean to those who participate and believe in the grassroots process, that government starts from the bottom up, not from the top down? It means we disrespect your judgment. We are substituting our judgment just because we, one or another person, happens to be in an Appropriations Committee that can substitute its judgment for the grassroots.

It has been discouraging. I have talked to the development districts, and so when we fashioned our bill in the House, and in our committee, to reauthorize ARC, page 10 of the bill that was introduced in July, July 17, that the gentleman from Pennsylvania cosponsored, Chairman YOUNG cosponsored, I will not go through all the others, section 4, subsection (b), allocation of funds: Funds approved by the Commission for a project in an Appalachian State pursuant to congressional direction shall be derived from such State's portion of the Commission's allocation of appropriated amounts among the States.

That is the anti-earmarking. That respects the grassroots process. That is the bill that we introduced but it was not reported from committee. It should have been. We could have done this in July. We could have had a bill pass through the House practically on unanimous consent, or had a recorded vote that had been 400-plus to zero, but instead we waited for the Senate to pass a bill. The Senate dropped that language.

In the suspension process, we do not have an opportunity to offer to reinstate the House language, to stand up for the House position. That is why I come with a heavy heart to oppose this bill because it is the wrong process, because it guts the House provision, because it takes away the opportunity for all States to participate equally.

Now, the chairman of the subcommittee, I have to respectfully disagree, the program is not going to run out in 10 days. The Appropriations Committee has included in its appropriation a continuation of the authorization, as we have done for 16 years, and will continue the authorization through the appropriation process, but it will not be as valuable as if we include the House language to stop the raid on the other States within the Appalachian region.

We are not talking hundreds of millions of dollars, or billions, as we are in the transportation bill. We are talking $65 million for fiscal year 2006 and $26 million in formula funds for the coming fiscal year and $35 million total. So out of that $26 million in formula funds, $9.3 million have been earmarked. That means other States get proportionally less money than those who are fortunate to have someone on the Appropriations Committee take care of them. That is not right.

What is this, a week ago this body passed an anti-earmarking bill as rules for the House. We did even better. We are not saying list who they are for. We are saying do not do it in this particular program. That is what offends me. Process means respect for the system. Process guarantees, or should, integrity.

I am saying we ought to restore integrity. We ought to send this bill back to the Senate and have a real negotiation and do the right thing for the rest of the Appalachian States.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Minnesota, I appreciate the fact that he loves ARC, but more importantly to me, the gentleman's passion for ARC is most impressive, especially noting that he does not hail from the Appalachian region, which I do, and the people of the Appalachian region that I hail from. Small towns like Hymen, Pennsylvania, and Salisbury, and counties like Fayette and Huntington County, they have seen the good works of the Appalachian Regional Commission, and we do not want to lose that.

I am not so bold to try to explain to the gentleman the legislative process. He knows far better than most in this Chamber that we have been able to, in the Senate bill, get some significant provisions in there that we wanted authorizing as an at-risk category, which is extremely important to counties all throughout the Appalachian region, increasing the authorization funding amounts in this bill.

So the gentleman knows those provisions are in there, and as I said earlier, if we do not act in 10 days, this will sunset. This will terminate. It will end and we may lose it forever, which I am not willing to take that risk. I do not believe that the Senate is going to pass that appropriations bill in 10 days, and as I said, as I read the legislation, it will sunset. It will terminate.

I would encourage Members to look at that fact, and I am willing to work with the gentleman to move forward, because I do understand your concerns about earmarking. And I want to remind Members of this Chamber, there are no earmarks in this reauthorization. This bill is going to move forward and make sure that the ARC survives for another 5 years and can continue to do the great work that it has done in the 13 States in that region.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to just add to the discussion that I do not think government will come to a halt in 10 days. The House will pass a continuing resolution so that we can get through October, come back after election on November 13, and take up these appropriation bills. The Appalachian Regional Commission will continue.

Quite right, the gentleman has stood firmly against earmarking in the authorization process, but it is in the appropriation. It is where the money is delivered where the evil occurs, if you will, and in this context, this is not a bill to be tinkering with with earmarks when there is so clearly a grassroots process that is fair and equitable and has input from the people whose lives and livelihoods are affected.

It goes all the way up through the top, and when it gets up here say, oh, sorry, you do not count; your judgment is not of value. To take nearly a third of the money, a limited amount of funds in the appropriation process, and designate it for projects and thereby diminish the amount the other States get, that is not right. It is just simply not right.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Once again, I understand the gentleman's concern, and I would suggest that we take care of this earmarking problem in the appropriations process. I know that the Senate bill has language in their appropriations bills that deal with this, and I think that is the appropriate place to do it.

Again, I have great concern if we do not reauthorize this and get it to the President's desk that we, in fact, could sunset and terminate this program. That is something that I am not willing to take the risk on.

Once again, I appreciate the gentleman's support for ARC, his passion for ARC. I want to remind my colleagues that there are no earmarks in this reauthorization bill and that I would encourage my colleagues to vote to continue ARC, the Appalachian Regional Commission's positive impact that it has had, extremely positive impact it has had on our region of the country that needs it.

Mr. RAHALL. Mr. Speaker, today the House plans to take up the reauthorization of the Appalachian Regional Commission. Every one of the southern West Virginia counties I represent is encompassed by the Appalachian Regional Commission and ARC support is critical to our communities' livelihood and well-being.

It is ARC's ability to serve its mission by adapting it actions to fit the times that makes ARC such an invaluable resource to Appalachia and the Nation. From the Appalachian Development Highway System to e-commerce and broadband initiatives, ARC continues to serve its mission by advocating and partnering with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life.

For these reasons, among others, I will support the legislation before us today to reauthorize ARC. However, I do so with reservations.

For most of the past 41 years of ARC existence, its program has been free of congressional earmarks. Congress has appropriated funds to ARC and ARC, through a formula based largely on need, has apportioned Federal money to the States.

In fiscal year 2006 and fiscal year 2007, we have seen significant earmarking of the ARC account. Indeed, my home State of West Virginia has received a number of these earmarks.

Why is this? In most instances Members have not requested these funds come from ARC formula funds. However, committee leadership has been forced into this practice of feeding on our own. Why? Because the priorities of Congress have shifted from Middle America to the Middle East.

Our appropriators are faced with this dilemma because the $8 billion per month spent in Iraq precludes us from investing in needed infrastructure here at home. I've said many times that dollars for Baghdad would be better spend in Beckley—Beckley, WV.

While one of the funded projects has benefited many southern West Virginians directly by providing much needed water and wastewater assistance, I believe it is important we refrain from earmarking the very scarce resources allocated to ARC and, if earmarking the ARC account continues, Congress should require that congressional earmarks are derived from that State's formula allocation of ARC funds.

I believe adopting such a provision will benefit all ARC member States and the long-term viability of ARC itself.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2832.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

REPEAL OF PROHIBITION ON USE OF CERTAIN FUNDS FOR TUNNELING IN CERTAIN AREAS WITH RESPECT TO LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4653) to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

The Clerk read as follows:

H.R. 4653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF PROHIBITION.

The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4653 repeals a 20-year-old prohibition on the use of certain Federal transit funds to tunnel in the San Fernando Valley area west of Los Angeles.

In 1985, an explosion of naturally occurring methane gas blew up a department store in the Wilshire Boulevard

corridor in Los Angeles, injuring 22 people. Concerned about the safety of tunneling in this area of Los Angeles, the Los Angeles City Council created a task force to investigate the explosion. The task force identified methane risk zones along the Wilshire Boulevard corridor.

In 1985, the Los Angeles Red Line subway line was in the planning and design stage. Since then, the Red Line has been completely funded and built and has been in operation since 1993, with an extension to North Hollywood that was completed in 2000.

The fiscal year 1986 transportation appropriations bill included a legislative provision that prohibits the use of Federal transit funds associated with the Los Angeles project for tunneling in or through an identified methane risk zone. The language was written very broadly, binding future funds provided by Congress and affecting all parts of the Metro Rail subway project, including future extensions.

However, in November of 2005, a panel of engineering experts reported that tunneling along the Wilshire Boulevard corridor can be done safely if proper procedures and appropriate techniques are used.

This bill, H.R. 4653, was introduced by Congressman WAXMAN in December of 2005 and will repeal the current prohibition on tunneling in the Wilshire Boulevard corridor. With its passage, a more comprehensive transportation planning process can take place in the corridor, and future transportation proposals that involve tunneling will be eligible for Federal funding.

I encourage my colleagues to join me in support of H.R. 4653.

Mr. Speaker, I reserve the balance of my time.

□ 1745

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds to say that the gentleman from California (Mr. WAXMAN), with whom I entered Congress together in 1975, has been a champion of this project, but with a watchful eye on the way in which it was crafted and carried forward. And it has been his inspiration that has brought this project to the point where it is now, an agreed-upon initiative and financially sustainable and operationally successful.

I yield such time as he may consume to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to thank everyone who assisted in bringing this bill to the floor today, Chairman DON YOUNG, Ranking Member OBERSTAR, Representatives JERRY LEWIS and DAVID DREIER.

H.R. 4653 is noncontroversial legislation. It repeals a law enacted in 1985 that prohibits subway tunneling in an area of Los Angeles that I represent.

I authored the 1985 measure after a methane gas explosion demolished a Ross Dress for Less store in the Third and Fairfax area of Los Angeles.

At the time, serious safety concerns were raised about the city's plans to extend the subway through this area due to underground pockets of methane gas. In recent years, experts have indicated that technologies have been developed that could make tunneling in this area safe.

In 2004, the Los Angeles City Council passed a motion urging a reversal of the 1985 law, and in February 2005 the Los Angeles Metropolitan Transportation Authority's board voted to renew discussions of the subway's expansion in this area. As a result, I worked with Mayor Antonio Villaraigosa to select a panel of scientific experts to conduct an independent safety review. These experts made a unanimous determination in a November 2005 report that tunneling in the methane gas area can be done safely if proper procedures and appropriate technologies are used.

H.R. 4653 simply lifts the Federal tunneling prohibition that has been in place since 1985. The Transportation Infrastructure Committee reported this bill unanimously on July 19, and I urge my colleagues to support it as well.

Mr. SHUSTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California and the gentleman from Pennsylvania have fully explained the provisions of this bill and the need for the project. It needs no further elaboration.

This project moves us further in the direction of advancing the cause of transit in our national transportation intermodal system.

Transit is the fastest growing sector of the transportation in America. We are adding 1 million new transit riders a day last year, for 375 million new transit trips, for 10.5 billion transit trips in America. At a time in the 1960s, 1970s, and 1980s, New York accounted for over 60 percent of all transit trips in America. No longer. New York's share is down somewhere around 39 percent because the rest of the Nation is catching up and accelerating its use of transit.

In fact, if we could, as is done in Europe, have a mode shift of 10 percent of all trips taken for all purposes by transit, in America we would save 550 million barrels of oil a year, and that is the amount we import from Saudi Arabia.

The move to transit is inexorable; it is a necessary part of our overall balanced transportation system in America, and in this intensely populated area of Los Angeles, the San Fernando Metro Rail Project will make an enormous contribution to mobility and to savings in fuel consumption in America.

Mr. Speaker, I rise to support the passage of H.R. 4653, to repeal a prohibition on the use of Federal transit funds for tunneling in certain areas for the construction of the San Fernando Valley Metro Rail project in Southern California.

More than 20 years ago, an explosion caused by the ignition of methane gas that had been accumulating along the Third Street corridor in the Wilshire-Fairfax District of Los Angeles rocked the area. The resulting explosion severely damaged a building structure and injured 22 people. A preliminary investigation into the cause of the explosion pointed to ignition of underground pockets of pressurized gas.

This incident raised safety concerns related to the proposed tunneling in the area to build the planned Metro Rail subway system. To address the safety concerns, the Los Angeles City Council created a Task Force to investigate the explosion to determine the cause of the accident and to make recommendations to avoid future incidents. The results of the investigation identified two methane risk zones.

To ensure that the safety concerns related to construction of the Metro Rail subway system were fully addressed prior to the use of Federal transit funds for the construction of the project, a provision was included in the fiscal year 1986 Transportation and Related Appropriations Act prohibiting the use of Federal funds for the project until certain safety concerns has been properly addressed.

Mr. Speaker, I am pleased to report that the initial concerns related to possible methane gas explosions associated with the construction of the project have been resolved through extensive reviews and studies. In October 2005, a peer review panel of engineering experts was convened at the request of the Los Angeles County Metropolitan Transportation Authority Board to conduct an independent evaluation of gas-related safety issues associated with the proposed tunneling of the extension of the Metro Rail Line subway along Wilshire Boulevard. Based on the findings, the five-member panel of experts reported that tunneling along the Wilshire Boulevard corridor can be done safely using proper procedures and appropriate techniques.

In response to the findings of the peer review panel of experts, the City of Los Angeles and the gentleman from California (Mr. WAXMAN) who represents areas along the proposed Metro Rail subway system corridor have joined together to support the enactment of H.R. 4653. The passage of H.R. 4653 will help advance badly needed transit projects throughout the Los Angeles to San Fernando Valley region.

Mr. Speaker, I urge the passage of H.R. 4653 to remove the funding prohibition for the Los Angeles to San Fernando Valley Metro Rail Project.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I just want to encourage my colleagues to join me in support of H.R. 4653, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4653.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PETS EVACUATION AND TRANSPORTATION STANDARDS ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3858) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pets Evacuation and Transportation Standards Act of 2006''.

SEC. 2. STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.

Section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.—In approving standards for State and local emergency preparedness operational plans pursuant to subsection (b)(3), the Director shall ensure that such plans take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency.''.

SEC. 3. EMERGENCY PREPAREDNESS MEASURES OF THE DIRECTOR.

Section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) is amended—

(1) in subsection (e)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) plans that take into account the needs of individuals with pets and service animals prior to, during, and following a major disaster or emergency.''; and

(2) in subsection (j)—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) The Director may make financial contributions, on the basis of programs or projects approved by the Director, to the States and local authorities for animal emergency preparedness purposes, including the procurement, construction, leasing, or renovating of emergency shelter facilities and materials that will accommodate people with pets and service animals.''.

SEC. 4. PROVIDING ESSENTIAL ASSISTANCE TO INDIVIDUALS WITH HOUSEHOLD PETS AND SERVICE ANIMALS FOLLOWING A DISASTER.

Section 403(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(J) provision of rescue, care, shelter, and essential needs—

''(i) to individuals with household pets and service animals; and

''(ii) to such pets and animals.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, at this time I would like to yield to the gentleman from Connecticut, who is the prime mover on H.R. 3858, Mr. SHAYS.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Pennsylvania. I would like to just amend the gentleman's comment by saying there are two prime movers, Mr. LANTOS and myself, and I appreciate the opportunity to speak on this legislation.

I rise in support of H.R. 3858, the Pets Evacuation and Transportation Act, referred to as the PETS Act, which Congressman LANTOS and I both as co-chairmen of the Friends of Animal Caucus introduced.

This commonsense bill requires State and local preparedness planners to include plans for evacuation of pet owners, pets, and service animals. Having passed this legislation once in the House, we now have an opportunity to include several important provisions that have been included by the Senate strengthening the bill, and then being able to send it directly to the President. These provisions include granting FEMA the authority to assist in developing evacuation plans, and authorizing financial help to States to create emergency shelters for people with their animals. Hurricane Katrina left so many victims in its wake, including up to 600,000 animals that lost their lives or were left without shelter.

To qualify for Federal Emergency Management Agency, FEMA, funding, a jurisdiction is required to submit a plan detailing their disaster preparedness plan. The PETS Act would simply require State and local emergency preparedness authorities to plan for how they will accommodate households with pets or service animals when presenting these plans to FEMA.

This bipartisan legislation is necessary because it became evident during Hurricane Katrina, when asked to choose between abandoning their pets or their own personal safety, many pet owners chose to risk their lives and remain with their pets, and some of them perished. This is first a public safety issue, but also an animal welfare issue. Roughly two-thirds of American households own pets. We need to ensure owners and their pets are protected.

The human horror and devastation in Louisiana, Mississippi, and Alabama was a failure we needed to immediately address, but it was also heartbreaking to hear stories of forced evacuees to choose between being rescued or remaining with their pets. The plight of the animals left behind was truly tragic.

In the middle of hurricane season, it is imperative that regulations to include pets in evacuation plans be placed in anticipation of future tragedies.

This is an important bill. I urge its passage so that we can send it directly to the President.

Again, I want to thank the chairman for bringing this bill out and marshaling this bill both times we have been before the Chamber. And I also want to thank my colleague, my co-chairman, Mr. LANTOS for all that he has done. He is a pleasure to work with.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the leader on our side, an advocate for this legislation, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I want to thank my friend Congressman OBERSTAR for yielding. I want to thank Chairman YOUNG of Alaska and Congressman OBERSTAR for their stewardship of this important piece of legislation that my friend Congressman Chris Shays and I introduced, and we are thrilled and delighted that we have reached this day, and hopefully it will pass.

I also would like to congratulate our colleagues in the Senate, Senators STEVENS of Alaska and LAUTENBERG of New Jersey, for leading the fight to pass the PETS Act by a unanimous vote. In my own office, three young and committed men worked hard on this legislation, Ron Grimes, Jason Rosenstock, and Guido Zucconi, and I want to express my appreciation to them. But primarily I want to thank my wife, Annette, who, over a long lifetime together, taught me the love of animals.

Mr. Speaker, if I may, I would like to call special attention to three doggies in our office, Masko, Chippy, and Cassie, who bring a civilized tone, joy, fun, pleasure, and wit to our congressional office. Their work, along with the tireless efforts of animal welfare organizations, will ensure the safety of household pets and service animals and their owners as well.

Mr. Speaker, before the images of the gulf coast hurricanes of last year begin to fade from our national memory, it is imperative that we help our citizens prepare for the next disaster. Our legislation, the PETS Act, will ensure that families and people with disabilities will never be forced to choose between being rescued or remaining with their pets or service animals.

The scene from New Orleans of a 9-year-old little boy crying because he was not allowed to take his little white dog Snowball was too much to bear. Personally, I know I wouldn't have been able to leave my little white dog Masko to a fate of almost certain death.

As I watched the images of the heartbreaking choices the gulf residents had to make, I was moved to find a way to prevent this from ever happening again. Requiring local and State emergency planners to take into consideration the needs of evacuees with household pets and people with disabilities who have service animals is a simple

and effective way to ensure saving as many human lives as possible. If people can leave their homes knowing that all members of their family, including their pets, will be safe, it will make for a more civilized and more efficient evacuation.

That is the reason why, along with my colleagues, Mr. SHAYS, Mr. YOUNG, Mr. OBERSTAR, and Mr. FRANK of Massachusetts, I introduced the Pet Evacuation and Transportation Standards Act, which we call the PETS Act. Never before in my long congressional career have I received so much support and encouragement for a piece of legislation, Mr. Speaker, not only from citizens in my own district, but from a national audience that shares my concerns for the safety of these animals and their owners.

Since the hurricanes of last year, the PETS Act has influenced State officials to make plans for people with pets and service animals. Miami-Dade and Broward Counties in Florida have shelters that accept animals, as well as careful instructions for people forced to leave their homes who may have animals. This demonstrates that emergency planners are more than capable of making effective plans for people with pets or service animals.

Now, more than ever, with hurricane season upon us, this bill is of the utmost importance. The PETS Act will ensure that States will continue to plan for their pet and service animal populations, which will in turn ensure a smoother and safer evacuation for all members of the family.

On behalf of the tens of millions of families across our Nation who have pets, I urge all of my colleagues to vote for this important legislation.

□ 1800

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be here today to pass an important reform to our emergency management system. Like many Americans, I watched in disbelief last year as our government struggled to respond to the death and destruction caused by Hurricane Katrina. I believe we were all shocked by FEMA's performance, given FEMA's outstanding reputation just a few years earlier.

Breaking FEMA up and burying its pieces within the massive Homeland Security bureaucracy was a mistake, I believe. Since Hurricane Katrina, the Transportation Committee, the Select Committee on Hurricane Katrina, held dozens of hearings on Katrina and drafted the most comprehensive report on reforming our emergency management system.

Just a few days ago the chairman of the authorizing committees, Chairman YOUNG, Chairman DAVIS, Chairman KING, Chairman REICHERT and I reached an agreement with the Senate authorizers to rebuild FEMA and reform the Nation's emergency management system. With the leadership, authority and resources necessary to respond effectively to the next disaster, FEMA can once again be a premier agency within the Federal Government.

I am pleased to have one of these specific reforms on the floor today, H.R. 3858, the PETS Act, that ensures the needs of people with household pets and service animals are considered by State and local emergency preparedness plans.

The Senate amended the PETS Act to permit FEMA to fund structures that will accommodate pets and service animals and provide essential assistance to people with pets and service animals following a disaster.

People become very attached to their pets. I have a Wheaton terrier that has become part of the family, and it would be very difficult to leave Chloe behind in a disaster. I certainly can understand and empathize with those folks who have household pets.

I would like to thank Chairman YOUNG, who is an original sponsor of this legislation for his leadership and guidance on the bill, and on the broader emergency management reform bill that will be on the floor, we hope, next week.

I would also like to commend Mr. SHAYS for his dedication and hard work in moving this legislation. Mr. SHAYS has been a champion of this issue and has worked to ensure that owners don't have to make a choice between their personal safety and their pet's safety.

I would also like to commend Mr. SHAYS for his leadership on the committee's investigating response to Hurricane Katrina. He worked tirelessly to resolve the flaws in our Nation's emergency management system that became apparent during Hurricane Katrina.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

Do I understand, Chairman SHUSTER, that if we pass this bill tonight, it goes directly to the President for his signature?

I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. That is my understanding, yes, sir.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) and Chairman Shuster, Mr. SHAYS, and Mr. LANTOS for your support of this bill.

What is noteworthy is that in the last few days, this Congress has had three pieces of legislation in front of it that have a similar theme: The tribute that we paid to the Dalai Lama, and yesterday our support for the one day of peace, and today our support for the PETS Act, all are about compassion and the recognition of the importance of compassion in the life of this Nation.

I think it is important for us to reflect that this is a strong capacity that we have that when we touch it, it touches people's hearts everywhere.

I encourage my colleagues to join in support of H.R. 3858, the Pets Evacuation Transportation Standards Act. Passage of this bill is essential to the safety of all citizens and their pets in emergency and disaster circumstances. Hurricanes Katrina and Rita will long be held in our collective conscious. It has been just over 1 year since we saw the terrified and helpless faces of the victims these natural disasters claimed, displaced, and horrified. The unbearably inadequate response to these disasters exacerbates the shame, the heartache and insecurity that has resulted. The images haunt us; and it is not just the images of our fellow human beings, but that of our gracious household pets and service animals.

Among the injustices incurred in the gulf coast were citizens forced to choose between their own safety and that of their pet or service animals. And the example that Mr. LANTOS gave of the 9-year-old boy who had to part with his beloved dog is an example of the heartbreak that all of us can relate to.

Some chose to compromise their own safety, unwilling to evacuate without their pet, despite the great risk to themselves and their families. Others were forced to leave these important friends behind, abandoned and alone. Animals were left to survive on their own with little hope of survival, causing the very understandable human emotions of pain and agony that accompanied this choice.

Some, dependent upon a service animal for their own safety and survival, were made to leave their companions behind, a direct threat to their own security.

It is estimated that well over half of U.S. households include a pet or vital service animal as a member of the family. In the Kucinich household, we have three dogs, two beagles and one cocker spaniel, and anyone who has a pet understands how it would tug at your heart to have to be separated from that pet in a time of emergency.

We know that the gulf coast region affected by the hurricanes had as many as 600,000 pets and service animals. Most of these animals could not be saved, and few have been reunited with their original owners.

H.R. 3858, the PETS Act, will ensure that emergency preparedness for the safety of our own citizens includes the proper protocol to identify, evacuate, and shelter people, pets and service animals in times of emergency evacuations.

Natural disasters are unavoidable; compromising the safety of our citizens is not. That is why I ask my colleagues to join me in support of H.R. 3858, the PETS Act, to ensure that in times of disaster no citizen is forced to compromise their own safety or well-being for that of their service animal.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is refreshing in a time of perception of contentiousness in the legislative bodies that we can consider a matter of this nature and have such thoughtful, constructive, civilized dialogue on a matter that touches the heart of so many of our fellow citizens. And how fitting to have a survivor of the Holocaust whose whole life and career has been concerned with saving people from tragedy, to lend his voice and his stature, his character and dignity to saving the lives of pets.

And to the gentleman from Connecticut (Mr. SHAYS), who has been associated so much with the process of campaign finance reform and other similar matters, to lend his support and his concern, his character, to a matter of this kind and to partner with the gentleman from California, both coasts joining to support something greater than all of us.

As others have said, my wife and I watched the horror of Hurricane Katrina. Jean's home is New Orleans. Her family were there. Two brothers both had property losses, severe property loss. She knew as the cameras moved around the city from one street to the next, I walked that street, I know the people in that house. They have a pet. That dog is up in the attic and they are not going to leave because they cannot rescue the pet.

We will now make it possible to avoid such dire choices in the future by putting in place a structure by which we can accommodate the needs of people and the lives they lead and the pets they have that are important to their living.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman very much. I wanted to rise and thank Chairman SHUSTER for marshaling this bill through and making sure that Members treated it with seriousness.

I thank the ranking member of the full Transportation Committee, Mr. OBERSTAR, for his partnership in this effort.

I also thank Congressman LANTOS. We have been through many battles together, and this has been one of the most enjoyable ones.

I also wanted to stand up and acknowledge the fine work of Senator COLLINS and the ranking member, Mr. LIEBERMAN, in the Senate for their help in getting this bill through. Had they not taken action and treated this bill seriously, we would not be here today. And, frankly, they made it a better bill. I just wanted to thank Senators COLLINS and my friend JOE LIEBERMAN, who I love very dearly.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

I will close very quickly because I am in danger of being labeled as a big softy if I give too much in the way of closing comments. I will close by just asking all of my colleagues to support this piece of legislation which is important to millions and millions of Americans.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3858.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have up to 5 legislative days to revise and extend their remarks and include extraneous material on S. 2832, H.R. 4653 and H.R. 3858.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ROBERT LINN MEMORIAL POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4768) to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the ''Robert Linn Memorial Post Office Building''.

The Clerk read as follows:

H.R. 4768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT LINN MEMORIAL POST OFFICE BUILDING

(a) DESIGNATION.—The facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, shall be known and designated as the ''Robert Linn Memorial Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert Linn Memorial Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4768, offered by the gentlewoman from Pennsylvania (Ms. HART), would designate the facility of the United States Post Office in Beaver, Pennsylvania, as the ''Robert Linn Memorial Post Office Building.''

Mr. Speaker, Robert Linn passed away in August 2004, at the age of 95. His accomplishment of serving the citizens of Beaver, Pennsylvania as mayor for a record-setting 58 years was a testament to his lasting dedication and friendship to the community.

In 1995 Mayor Linn was officially listed in the Guinness Book of World Records as the longest-serving mayor in the United States. Although he had a long list of accomplishments, his Streetscape initiative, a town beautification project that removed power lines and concrete sidewalks from the main street, was among his greatest.

Not only did Robert Linn serve his community as mayor for a record-setting number of years, but he served as an educator at Beaver Falls Junior High School for 6 years, followed by a 36-year career at Duquesne Light Company.

Mayor Linn's passion was socializing with the people he served, and many in town knew that one of his favorite activities was running the scoreboard for football games at Beaver High School.

Although the position of mayor was a part-time job, Robert Linn will be remembered by the citizens of Beaver as their full-time champion. With gratitude for his devotion and service to the Beaver community, I ask all Members to join me in supporting H.R. 4768.

Mr. Speaker, I reserve the balance of my time.

□ 1815

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4768, which names a postal facility in Beaver, Pennsylvania, after Robert Linn. H.R. 4768 was introduced by Representative MELISSA HART on February 16, 2006. This measure, which has the support and cosponsorship of the entire Pennsylvania congressional delegation, was unanimously reported from our committee on May 4, 2006.

Robert Linn, a native of Pennsylvania, was mayor of Beaver Borough for 58 years until his death on August 22, 2004. He is remembered for his success in making improvements on Main Street, renovations of historic buildings, and preservation of the history and charm of his city.

Anyone who serves a city as its mayor for 58 years unequivocally and without a doubt had its interest at heart. And I can think of no more appropriate way of recognizing his impact than to name this facility in his honor.

I strongly support this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentlewoman for yielding.

This is a very important issue to discuss. I think it is one that many of us often look at very casually as we are naming a post office, but many times citizens of America whose names go on these post offices are people that we know we need to remember. And I bring one of those individuals before us today in our legislation to name the post office in Beaver, Pennsylvania, after Robert Linn.

Robert Linn was one of those amazing people who anybody who ever met him would never forget. So I rise in support of the Robert Linn Memorial Post Office in Beaver, Pennsylvania.

He was sworn into office as the mayor of Beaver, Pennsylvania, on January 2, 1946, and he served the Borough of Beaver, Pennsylvania, for 58 consecutive years as mayor. I am not exaggerating. It was really 58 years. So he was able to see many of the people he married as mayor welcome their grandchildren and great-grandchildren into the world.

Prior to taking over the position of mayor at its original salary of $2,500 a year, Mayor Linn worked for the Duquesne Light Company. His first job was handling customer service before he eventually became supervisor of employee benefits, and he actually retired from the company in 1974. He continued his service both in the public and private sector throughout his life, and he was really known as a gracious gentleman. As I mentioned, anybody who knew him would never forget him. He showed up every day in a coat and tie. It didn't matter if it was Sundays, Saturdays, early, late. He was always in a coat and tie.

In 1995, the Guinness Book of World Records recognized Robert Linn as the longest-serving mayor in American history. His selflessness, his regard for the greater good, is reflected in these 15 consecutive terms that he served up until his death at age of 95 on August 22, 2004.

There is much more to Bob Linn than just being the longest-serving mayor in American history. It was Bob Linn, the father of four daughters, Mary Scheidmantel of Beaver; Eleanor Hesser of Beaver; Mary Hockenberry of New Cumberland, Pennsylvania; and Beth Mitchell of Virginia Beach, Virginia. There was Robert Linn, a grandfather of eight and a great-grandfather of one. He was definitely a dedicated family man, and he would do anything for his loved ones, including everyone in the Borough of Beaver.

For example, when he was in his early 80s, he wanted to show his grandson that he, too, could ride a bicycle. Unfortunately, he learned the hard way that maybe he shouldn't be riding a bicycle. Although he was capable of running the town quite effectively as mayor in his advanced years, he was a little past his prime when it came to bike riding, when he fell off and broke his wrist, but he continued in his public service.

There was Robert Linn, the mentor. A Beaver police chief was quoted as saying, ''One of the most important things that Mayor Linn ever told me was 'You can think what you want, but once it is said, it is said.''' He said, ''I still to this day use this advice, and I pass it on to others. He was like a father to me,'' said Chief Anthony Hovanec.

Bob Linn was a teacher for 6 years at the Beaver Falls Junior High School and a volunteer scorekeeper for the Beaver High School football games. He was just a man who loved his community.

Finally, there was Robert Linn, the American and dedicated public servant, the one that I knew the best. He was a man dedicated to the community in which he lived to making sure it became better and better with every year he served in public life.

Beaver Borough was Bob Linn's passion. His crowning achievement was the Streetscape project, which he proudly declared his finest accomplishment as mayor. This project received the Beaver Area Heritage Foundation's Harry S. Truman Beautification Award. The Streetscape transformed the Borough of Beaver into a real-life version of a Norman Rockwell painting. It removed all the utility poles, all the parking meters, and replaced them with trees and Victorian-style street lamps and bricked the sidewalks and streets.

The Borough of Beaver and the 5,000 residents who live there still agree that Bob Linn's assessment that the borough was one of the ''best places you can be'' is certainly true. Mayor Linn was also successful in having the borough named a National Registry Historic District in 1996 and successfully converted the old freight train station in town into a museum. In fact, so many locals gathered there in October of 2000 that then-Governor George Bush, when he stopped his train on his cross-country tour, attracted so many residents of Beaver that they had to stop the train.

The Borough of Beaver and the 5,000 residents who live there still agree that Bob Linn was the most effective community leader they have ever seen. And I think beyond just the Borough of Beaver, people in the Commonwealth and people across the Nation need to see as an example of public service what Bob Linn did.

His effect on the borough goes much farther than aesthetics. He was a father, mentor, teacher, volunteer, and really the embodiment of a public servant. He truly loved Beaver to its core. He tirelessly dedicated himself and his life to making it the best place that it can be.

I urge my colleagues to support the Robert Linn Memorial Post Office to honor a man who so generously dedicated his life to the town that he loved so future generations can know all about Bob Linn.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4768.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4768.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BENJAMIN FRANKLIN TERCENTENARY COMMISSION ACT OF 2005

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4586) to extend the authorization of the Benjamin Franklin Tercentenary Commission, as amended.

The Clerk read as follows:

H.R. 4586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Benjamin Franklin Tercentenary Commission Act of 2005''.

SEC. 2. BENJAMIN FRANKLIN TERCENTENARY COMMISSION.

Section 9(b) of the Benjamin Franklin Tercentenary Commission Act (Public Law 107–202; 36 U.S.C. note prec. 101) is amended by striking ''not later than January 16, 2007'' and inserting ''not later than January 16, 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Benjamin Franklin stands out in American history as a Founding Father of this country and a true Renaissance man.

Since childhood, we have all enjoyed the wonderful stories of his remarkable life as statesman, scientist, inventor, and diplomat. We have now been afforded the opportunity of bringing the

life and times of Benjamin Franklin to cities across the United States and overseas through the work of the Benjamin Franklin Tercentenary Commission. This Commission was established by Congress in 2002 to commemorate the 300th anniversary of Benjamin Franklin's birth in 2006.

The Commission hosts exhibits in a number of communities around the United States as well as in France, where Franklin served as the American Minister to Paris. These exhibitions represent a rare opportunity for the public to view the largest collection of Franklin artifacts through displays of his household furnishings, original works of art, manuscripts, and documents. In addition, through interactive multimedia exhibits and an Internet Web site, viewers are able to immerse themselves into the Franklin experience. The Franklin celebrations, organized under the Commission's guidance, offer the public an opportunity to become more familiar with Benjamin Franklin by getting a glimpse into the inspiring life of this American treasure.

Because of the expanded nature of its program, it is requested that the life of this Commission be extended so that they can continue their valuable work.

I urge all Members to come together and recognize the life and continuing legacy of Benjamin Franklin by supporting H.R. 4586.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 4586, the Benjamin Franklin Tercentenary Commission Act.

This bill, which was introduced by Representative MICHAEL CASTLE of Delaware on December 16, 2005, and was unanimously reported by the Government Reform Committee on March 30, 2006, extends the authorization of the Commission until fiscal year 2009.

Mr. Speaker, in 2002 Congress created the Benjamin Franklin Tercentenary Commission, a panel of 15 outstanding Americans chosen to study and recommend programs to celebrate Franklin's 300th birthday and to mint a commemorative coin of Ben Franklin. Extending the Commission past 2007 to 2009 will allow the funds from the sale of the recently issued Ben Franklin commemorative coins to truly benefit the many Commission programs planned and underway to honor Ben Franklin.

The Benjamin Franklin Tercentenary, which was founded in 2000 by a consortium of five Philadelphia cultural institutions, is currently presenting an international traveling exhibition entitled ''Benjamin Franklin: In Search of a Better World.'' This exhibit has been organized to commemorate the 300th anniversary of Franklin's birth and will travel around the United States and France. The exhibit premiered in Philadelphia last year and just recently stopped in St. Louis, Missouri, and from there it would go on to Houston, Texas; Denver; Atlanta; London; and Paris.

Benjamin Franklin was this Nation's greatest citizen perhaps, diplomat, statesman. He was a scientist, a philanthropist, humanitarian, inventor, and humorist.

As a matter of fact, Mr. Speaker, I can remember when I was a child and found things to read that reading about Benjamin Franklin was really just simply one of the great joys of growing up, and I never will forget one thing that he said. I mean, he had all of these ideas about virtue, and he said on temperance, ''Eat not to dullness, drink not to elevation.'' And I was asking a young fellow the other day what that meant, and he said that Franklin was saying don't eat until you get too filled and don't drink until you get too high. So, obviously, there are a lot of people in our country and our society who could remember that.

But I am indeed pleased that we are recognizing the amazing achievements of Benjamin Franklin by celebrating his 300th birthday and presenting an international traveling exhibition.

I firmly support H.R. 4586 and urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1830

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4586, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4586, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to extend the life of the Benjamin Franklin Tercentenary Commission.''.

A motion to reconsider was laid on the table.

JACOB FLETCHER POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5664) to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the ''Jacob Fletcher Post Office Building,'' as amended.

The Clerk read as follows:

H.R. 5664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JACOB SAMUEL FLETCHER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, shall be known and designated as the ''Jacob Samuel Fletcher Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Jacob Samuel Fletcher Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, H.R. 5664, offered by the distinguished gentleman from New York (Mr. KING) would designate the post office building in Babylon, New York, as the Jacob Samuel Fletcher Post Office Building.

Mr. Speaker, Jacob Fletcher's love for his country was second to none, and his patriotism was evident in his service in the United States Army. He was a 1994 Babylon High School graduate who enlisted in the Army shortly after the terrorist attacks on September 11, 2001.

After completing basic training, he continued on to earn his wings as a paratrooper. Based in Camp Ederle, Italy, Jacob Fletcher was one of the first Americans to land, along with his fellow paratroopers, just north of Baghdad during the first week of the war. Jacob, just 11 days shy of his 29th birthday, was killed on November 13, 2003, when a roadside bomb exploded next to the bus he was on in the town of Samarra.

With gratitude for his bravery and sacrifice to our country, I ask all Members to join me in naming the Babylon, New York, postal facility in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from New York (Mr. ISRAEL), one of the great sons of New York.

Mr. ISRAEL. Mr. Speaker, I thank my distinguished friend from Illinois for yielding me time.

Mr. Speaker, I also thank my friend from Long Island, Congressman PETER KING, for sponsoring this resolution and for allowing me to cosponsor it with him.

Mr. Speaker, I rise today to honor Jacob Fletcher and his family, and urge my colleagues to support this resolution to name the Babylon post office in his honor.

Mr. Speaker, the Babylon post office no longer resides in my congressional

district, but I do have the privilege and the honor of representing Jacob's mother, Dorrine Kenney. She is a constituent; she is also a dear friend. She has become an important advisor to me on so many military issues that I confront as a member of the House Armed Services Committee.

Her son, Jacob Samuel Fletcher, was a native of Long Island, and if this bill is passed, all of Long Island will know about his life and his untimely death. Jacob Fletcher grew up on Long Island, he dreamed of serving his country on Long Island. He represented us proudly when he went to Iraq.

On March 23, 2003, he and the 173rd Airborne Brigade jumped into northern Iraq and made their way to Kirkuk. On November 12, 2003, Jacob was killed by an IED on Highway 1 in Samarra.

Mr. Speaker, this kind of news does not tell us the fullness of a life. We see a name in the newspaper, we see a face, we see statistics and numbers, but none of that really describes the fullness of a life, and so I want to take this opportunity to share with my colleagues and with all America the life of Jacob Fletcher.

He was an athlete. He was an artist with a talent for drawing. He played drums. He wrote poetry. He was described as having a big heart, and of being a good listener. And those are the traits that I see in his mother.

In response to her son's death, Dorrine Kenney had every right to retreat into her own grief, to wait for the entire world to feel sorry for her and to support her. But she refused to do that. Instead she created the Jacob's Light Foundation. It sends care packages to our servicemembers in dangerous places around the world. It sends toiletries and food and snacks and reading materials and sunscreen and writing materials, all of the necessities that our troops require.

Rather than retreating into her grief, Dorrine Kenney felt it was her responsibility in her son's name to help improve the quality of life for her son's comrades.

A few months ago she came to my office, Mr. Speaker, and she was angry. We sat down and she said that she was receiving e-mails from troops in the field in the theatre in Iraq complaining that they had not received coagulant bandages, which the Department of Defense has said could save 50 percent of casualties in Iraq, and she asked me to look into it.

We called the Pentagon, and it took us a few weeks, but, in fact, we were able to solve that problem. And we are working with the Army even today to make sure that those bandages are arriving in dangerous places like Iraq and saving lives.

Another example, Mr. Speaker. This woman could have felt sorry for herself. Instead, she dedicated herself to coming into my office and working with the Army to make sure that those who were still in Iraq and Afghanistan had the life-saving supplies that they need.

The Army did not respond because of me, it did not respond because of the hearings we had in the Armed Services Committee; it responded because this mother of a son who was killed was contacted by men and women in Iraq who asked for her help.

That is exactly what Jacob Fletcher was all about, helping when people needed help, listening when people needed to be listened to. It is fitting that there is a foundation named for Jacob Fletcher which sends parcels to servicemembers who need them. And it would be even more fitting, Mr. Speaker, to name a post office in honor of Jacob Fletcher where parcels will be sent, and where the American people and those who live in Long Island will understand what he stood for, what our country stands for, and will remember him always.

Again, I thank the gentleman from Illinois for giving me this time. I thank the gentleman from New York for his leadership on this.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, like my colleagues, I am very proud to stand today in support of H.R. 5664. I was very proud to introduce the resolution. And I want to thank Mr. ISRAEL, my colleague from New York, for the strong support that he has given me on this resolution and also for the strong support that he has given to the Kenney and Fletcher families.

Mr. Speaker, it has been discussed what Jacob Fletcher achieved during his life, what he achieved in his death. And he was an exceptional, exceptional human being and a young man. As was stated, he grew up in Long Island, but he dreamed about joining the military even as a young boy.

In fact, the story, it is a true story, that he actually submitted an application to join the Army when he was only 8 years old. And his mother had to explain and turn away the enlistment officers when they came to the house that Jacob was too young to join the Army. She had a tougher job of actually explaining it to Jacob that he was too young to join the Army.

But his patriotic passion cannot be extinguished, and after the September 11 attacks against our country which killed so many New Yorkers and so many Americans and also claimed a family friend, Jacob joined the Army and fulfilled his life-long calling to serve his Nation.

Jacob came from a military family. His father, his stepfather served in the Armed Forces during the Vietnam War, and Jacob's grandfather was a veteran as well.

As Congressman ISRAEL and Ms. FOXX mentioned, Jacob completed his basic training and his airborne school at Fort Benning, and he was among the very first Americans to land in Iraq, parachuting under the cover of darkness during the first week of the war.

During his time in Iraq, Jacob and his fellow soldiers spent much of their time in Iraq training police officers. And in conversations with his family, he spoke of how much he wanted to help these people as this was his calling. He very clearly felt that this was the right thing to do.

Unfortunately Jacob's life ended tragically before he could return home and before he could fulfill all of his dreams. On November 13, 2003, a roadside bomb exploded near the convoy he was in near the town of Samarra, and he died the next day, November 14. He was just 28 years young. He was awarded a Purple Heart and a Bronze Star, and he was also posthumously promoted to specialist.

Like Congressman ISRAEL, I have had the privilege of working with his mother Dorrine, who, again, rather than curse the darkness, has done so much to help those who are in combat in Iraq, in Afghanistan, throughout the world. She has brought Brownies to my office, Girl Scouts. She is active on so many different issues involving the welfare of our solders. I admire her for having the strength that she does.

Congressman ISRAEL and I were at a recent 9/11 commemoration at Farmingdale University. She was there at that, Dorrine was there. So she again has done so much in memory of her son.

Similarly, I have the privilege of having his father, Mo Fletcher, reside in my district. Mr. Fletcher is a Vietnam veteran. He is also a very courageous man who gives so much of his time to veterans, to the military. Whenever a soldier is killed in combat who is from Long Island and adjoining areas, Mo Fletcher goes to the wake, goes to the funeral, stays with the family. So he is a very, very decent human being. And you can see why Jacob turned out to be the outstanding man that he was.

In addition, Jacob is survived by his stepfather, his sister Tara, and his brothers Scott and Josh.

I just urge all the Members of this body to really cast their vote for a true American hero, Jacob Fletcher, who gave his life so that all of us could be free, and may he rest in peace, and, again, may God bless him and his entire family.

Mr. DAVIS of Illinois. Mr. Speaker, I would yield myself the balance of our time.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleagues in consideration of H.R. 5664, which names the postal facility in Babylon, New York, after Jacob Samuel Fletcher.

H.R. 5664 was introduced by Representative PETER KING and strongly supported by Representative ISRAEL. This measure, which has the support and cosponsorship of the entire New York congressional delegation, was unanimously reported from our committee on July 20, 2006.

Jacob Fletcher, a native of New York and graduate of Babylon High School, was a young man with a life-long goal

of joining the military. Finally at the age of 27, he was able to join the Army. A member of the 173rd Airborne Brigade, Private First Class Fletcher made an historic jump into Iraq on March 23, 2003, the first week of the war.

Sadly he was killed when a roadside bomb exploded the bus on which he was riding on November 14, 2003, in Samarra, Iraq.

Mr. Speaker, designating the Cooper Street Post Office in Private First Class Jacob Fletcher's name honors the tremendous sacrifice of this soldier, and demonstrates how much we value his life. I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 5664, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5664, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the 'Jacob Samuel Fletcher Post Office Building'.''.

A motion to reconsider was laid on the table.

□ 1845

HONORING SERGEANT GERMAINE DEBRO

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute.)

Mr. FORTENBERRY. ''It's hard to be sad when I'm so proud. You are my hero.'' These were the words Alvin Debro, Jr., used to bid his brother, Sergeant Germaine Debro, a final goodbye.

Sergeant Debro was killed near Balad, Iraq, on September 4 when his Humvee hit a roadside bomb. A member of the Nebraska National Guard, he had served in both Bosnia and Kuwait. Because of these recent deployments, he was not required to go to Iraq. But as a single man with no children, he volunteered so other soldiers would not have to leave their families.

At the funeral service at Morningstar Baptist Church in North Omaha, Pastor Leroy Adams said to us: I look across this sanctuary, and I see America, one Nation, under God, in a church brought together by Germaine. It's not how long you live, it's how well you live.

His friends recall Germaine's love for life, selflessness and compassion for others. Germaine's mother, Pricilla, said her son died a proud soldier. Our Nation will be forever grateful to Sergeant Germaine Debro and his ultimate sacrifice.

COMMUNICATION FROM THE HONORABLE BOB NEY, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable BOB NEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: It has been an honor and a privilege to serve the House as Chair of the Franking Commission. I am grateful to Chairman Ehlers for the opportunity I have had to serve in this position.

I have thoroughly enjoyed working with the majority and minority staff of the Franking Commission, as we have worked together to ensure the standards of the Commission have been met. In particular, I would like to commend Jack Dail and Rich Landon for unending dedication to the commission. The purpose of this letter is to inform you that I am removing myself from the Franking Commission effective today.

Sincerely,

BOB NEY,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA EVEN BETTER THAN WAL-MART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, some say it's the best part of Wal-Mart, those happy greeters wearing a smiley face like this one I have here, giving helpful directions, giving coupons away. Others say these greeters even help with shoplifting. I just love Wal-Mart and those greeters. If a product is not at Wal-Mart, you just don't need it. Wal-Mart greeters make a good place even better.

However, the same could not be said of our national greeters. When I look at our southern border, I see policies that have turned our Border Patrol into an army of glorified gun-toting Wal-Mart greeters. They stop some of the thieves from coming into America, but they seem to end up acting like our official greeters, because our government has tied their hands.

Our government seems to be more concerned about the people who enter America illegally than our border agents, those that are already here and charged with protecting our border. Their work is subject to extensive intimidation by the Mexican Government, because Mexico doesn't want their own citizens, so they send them to the United States. Mexico uses treaties and lawsuits to give their citizens the protection that even Americans don't have.

The Mexican Government even gives illegals, heading north, maps so they can know where they illegally enter the United States and confront our border agents. Mexico is handing out shopping carts and the store directory to the virtual Wal-Mart, America.

But because we don't secure the border, we are opening up our aisles. But our version of Wal-Mart has an even better deal for these invaders, because it's all free. The American taxpayer pays for everything the illegals take from our Nation.

Take for instance, aisle number one, free health care. Mexico won't take care of its citizens, so the United States has become the free HMO of Mexico. It is a known fact that there are signs in Mexico telling expectant mothers what clinics across the border can deliver their anchor babies. Once those babies get sick, aisle one is the place where all their health care needs can be met: doctors, free health insurance, formulas, immunizations with no questions asked, and, of course, no bills. What a deal.

Aisle number two, it's the best education money can buy. Illegals enroll their child, and they can go to school through the 12th grade for free. In Mexico, that government only educates their children through the sixth grade. So the government says, go to America. The Americans will give you a free education in our language, Spanish, and if the student is hungry or needs after-school care, don't worry, aisle number two has free hot lunches, free after-school programs and, after all, our Wal-Mart only has the best.

We can't forget aisle number three. For all your identification needs, we have matricular cards for these illegals. Plenty of States and even the government accepts them for driver's licenses, Social Security and even fake IDs.

Let us go to aisle number four, free Social Security benefits for you and your kids. Aisle number five. It's free welfare to illegals, food stamps, housing, day care.

Mr. Speaker, I did not come up with the idea of calling our border agents Wal-Mart greeters. The truth is, that's what they call themselves. Because they know they are on the side of the American law, but the American law is not really on their side. They end up appearing to greet illegals instead of having the authority to send them back home.

If border agents are really allowed to do their job, our government doesn't seem to back them up. Today, Ignacio Ramos and Jose Compean, two Border Patrol agents who shot a Mexican drug dealer, are being punished by a disloyal American government for just doing their job. After all, shooting a drug smuggler is no way for a greeter to act.

A border agent told me in Laredo recently that agents are told by supervisors at our legal ports of entry, quote, We are a port of entry, not a port of denial. So when in doubt, let people in, don't keep them out.

What an absurd policy for security, but a great greeter policy. Our Border Patrol agents should not be Wal-Mart greeters. They are law enforcement officers. They need American policy that is very clear. Keep the drug smugglers, the human smugglers and the terrorists out of America. Protect the sovereignty of our Nation.

After all, it is illegal to come to America without permission. It makes no difference what the Sly Fox of Mexico or his replacement, Commander Calderon, think. It is still our country. Unless we are serious about border security and have firm, well-defined laws on border security, we may as well replace the badge our Border Patrol agents wear with a smiley face of a Wal-Mart greater.

And that's just the way it is.

REPUBLICANS FENCING OUT ORDINARY AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the Republicans are so concerned about their own hides that today they voted to fence off the U.S. Constitution from the American people. There is nothing to do with borders between the U.S. and Mexico or between the U.S. and Canada. It has everything to do with the Republican Party fencing out ordinary Americans from participating in their own government.

Why let everyone vote when they might actually vote for the Democrat or for the independent? Democracy is messy for the Republican Party these days, so they are going to short-circuit the process. Who needs to stay up late to watch the vote returns or worry about exit polls, when Republicans have come up with a plan to deny 7 million ordinary Americans the right to vote?

Of course, they have targeted people they don't think will vote Republican: the disadvantaged, the disabled, the elderly, Native Americans, among others. Republicans like to say they are spreading democracy around the world. Here at home, they are using this bill to disenfranchise American people.

Republicans have created a nonexistent crisis because their right-wing base is unhappy and in need of attention. Today the Republicans moved to solve a crisis they created. They want everyone to have an official government-issued photo ID before they could vote.

So much for that Republican line about getting the Federal Government out of our lives. The Republicans want the Federal Government in your face, snapping pictures. Before you could vote, you would have to produce an official government-issued photo ID. A passport would work. You know, that is the kind of document that the rich have, because they take vacations in other countries. The poor don't take vacations at all. No passport, no vote. No problem for Republicans.

Of course, the Republicans will rush to the podium over here to say that you can use your driver's license. They will not tell you that the National Commission on Federal Election Reform in 2001 estimated that up to 10 percent of Americans eligible to vote do not have official State photo ID, like a driver's license; no photo ID, no vote, no problem for Republicans.

Now, in Georgia and Missouri, they tried this. It was thrown out in court. So today we do it at the national level. We are going to do it for everybody. They will be delighted if ordinary Americans stay home on election day. In fact, they would be relieved.

They know that this bill will encourage it. That is why Republicans are behind it 150 percent. It is the latest step in the Republican strategy to hold on to power in the election of 2006, even if they have to dismantle the democracy to do it. They passed the Help America Vote Act, and then amended it to become the Help Republicans Stay in Power Act by underfunding the legislation.

They said they were helping, but they put no money out there. It is reminiscent of Florida in 2000. Republicans are building a border fence inside our borders to keep the American people out of participating in their own government. This bill will prevent millions of people from casting a ballot, exactly what the Republicans want.

Republicans want to replace the fundamental right in America, the government of the people, by the people and for the people with something else: government of the few, by the privileged and for the rich. This is the creed of the Republican 1 percent Party.

The President of the League of Women Voters, Mary Wilson said, ''This is an attempt to politicize the voting process by erecting barriers to keep many eligible legal voters from participating. Congress should not be playing politics with our right to vote,'' closed quote.

Yet the Republicans are hijacking the right to vote of an ordinary Americans. Why? Because they are afraid of losing power and afraid they can't scare the American people into submission any longer. Letting every eligible American vote means the American people might actually choose the person they want.

That is something Republicans find truly frightening, so they are building a fence to keep the Americans out of America. But the fence won't go up in this bill till 2008, so the American people have a mid-term election ahead. You know what they are up to. You know what they want to do.

But you have a chance to vote, still, everybody has a chance to vote, and the people can vote and protect their right to vote by voting against people who will put up this kind of legislation. We saw in 2000 the efforts to keep people away in indirect ways. This is a direct shot at Americans' right to vote.

□ 1900

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN RECOGNITION OF OPERATION HOMETOWN GRATITUDE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, Harry Truman once said, ''America was built on courage, on imagination and an unbeatable determination to do the job at hand.''

I rise today in recognition of Operation Hometown Gratitude. Operation Hometown Gratitude is an effort started by students from Rochester, Minnesota, Public Schools to recognize the hard work and sacrifice of our Armed Forces. The operation was formed to thank our troops by sending care packages and supplies.

I would like to recognize all of the students for their dedication. I am especially thankful to student organizers Katie White, Kelcey Evers, Brian Ehni, Corey Hinsch, Dayton Root, Greg Tri, Mitch Haack, Lucas Kirkam, Jon Nelson, Paul Keehn and Jayna Rench. As someone who has witnessed firsthand the gratitude of our Armed Forces when they receive these care packages and letters of encouragement, I can assure each of these young people that their work is important.

The energy and enthusiasm of these young people was harnessed by a great American. Gary Komaniecki is a teacher at both Rochester John Marshall and Mayo High Schools. Gary is the advisor for these young people and should be recognized for his continued support for our men and women in uniform. Gary has received assistance from Judy Evers, Brenda White, Deanna Mandler, Arthur and Shirley Scammell and Maggie Hovel.

I would also like to recognize the sponsors of this program: VFW Post 1215; all three Rochester HyVee locations; Terry Timm of Ye Olde Butcher Shop; Dave Evans from The Printers; Darel Nigon from Nigon Woodworks; Shawn Flippin from National Pawn Company; Rochester Culvers, both north and south; Jim Rush from A–Z Embroidery; and Homestyle Pizza.

Make no mistake, this job is not easy. The people of Iraq and Afghanistan lived under brutal regimes for decades. There is much to be done, and our Armed Forces continue to do their jobs well.

Mr. Speaker, the young people who have spearheaded Operation Hometown Gratitude, as well as the sponsors who seeded this work, are not just sending care packages and supplies. By their support and their effort, they are displaying what Harry Truman meant by ''unbeatable determination'' and playing a major part in doing the job at hand.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON THE CRISIS SITUATION IN DARFUR

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the time of Mr. DEFAZIO.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to commend Mr. PAYNE of New Jersey and all of those who have demonstrated tremendous leadership on this issue.

I have been told time and time again that the only way that evil can triumph is when good people do nothing, and I believe it was Dante who suggested that the hottest places in hell are reserved for those who declare neutrality and do nothing in times of great crisis.

We have all heard of the atrocities that are continuously being heaped upon the people in the Sudan. It is now time for us to act, and to act convincingly. We have to ask ourselves the question, if not us, then who? If not now, then when?

I am here tonight to help sound the alarm once again on genocide in the Sudan. There is no room for neutrality in the face of the crimes being committed there each day. Amnesty International has renewed its charge that the international community is not doing enough to protect women in the Darfur region and the refugee camps in Chad where mass rape is being used as a weapon.

Since 1983, more than 2 million black civilians have died during the civil war in the south Sudan. That struggle was especially brutal for the civilian population. Slave raids resulted in the enslavement of women and children, gang rape, ethnic cleansing and the imposition of famine conditions for hundreds of thousands of people.

On October 21, 2002, the President signed the Sudan Peace Act, which stated in part that the acts of the Government of Sudan constitute genocide as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. That bill requires President Bush to certify every 6 months that the government in Khartoum is negotiating in good faith for an end to the civil war. According to some sources, we may be close to a framework for peace in that region.

Mr. Speaker, only a short time ago we paused here to mark the 10th anniversary of the genocide in Rwanda, where more than 800,000 people died while the world watched and did nothing. Once again, genocide has unfolded before us, and those who have taken note have expressed their horror at what we have seen. But where is the public outcry? Where are the front page pictures? Where is the response of our government on behalf of the American people? I can tell you there has been some, but there has not been nearly enough.

So I join with my colleagues here this evening to call for the unequivocal, absolute declaration that genocide in the Sudan must end, and that it must end now. Not next year, not next month, but tonight.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ADDRESSING THE MEDICARE PART D DOUGHNUT HOLE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Nebraska.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BURGESS. Mr. Speaker, we heard a lot last spring about the voluntary Part D prescription drug program that seniors had available to them for the first time. We haven't heard much about it recently, but it is important to revisit the concept because of two aspects.

One is the open enrollment period, which is going to begin the middle of November and run through the end of the year; and the other is to address the fact that some seniors are coming upon what is called the coverage gap. They have received enough help in the prescription drug program, and they have come into a period of spending where they are expected to cover the whole cost of their prescription drug components until they get up to a catastrophic level, after which they will only be responsible for 5 percent of their drug expenditures.

Mr. Speaker, last spring when we talked about the Medicare prescription drug program back home, I would tell my constituents to focus on cost, coverage and convenience. If cost is your biggest driver, then look for the plan that has the lowest cost. That is pretty easy to do if you have got a computer and can go to Medicare.gov and scroll through the various computer screens of the plans out there.

In my State in Texas, there were some 48 different plans and combinations of plans that were available, but it is pretty easy to pick out the ones that are the lowest cost. If cost was the main driver, that is what I would encourage people to do, and then focus in on those three or four that were the lowest-cost plans.

If coverage was the main driver, there was a column devoted to coverage as well. You can certainly pick and choose from plans that covered 95, 98 percent or even 100 percent of the drugs in the Medicare formula.

Finally, convenience. If you want to use mail order, make sure that the program that you are looking at conforms to that expectation. If you want to use the Wal-Mart pharmacy, if you want to use the mom-and-pop drugstore down on the corner, make certain that that dispensing entity is available on the drug plan.

But by focusing on cost, coverage and convenience, then this rather daunting prospect of looking at 48 different drug plans became a whole lot easier.

Remember, Mr. Speaker, when we passed the Medicare drug prescription program, the idea was with the finite number of dollars we had available we were going to cover the people most in need. That meant the people who had the most trouble with illness, who were on the most medications, and those people who were the least well off. The sickest and the poorest received the greatest amount of help from the Medicare prescription drug program. And that indeed has been borne out. But of necessity, those of us who are more well off or perhaps not as ill will find ourselves exposed to some expenditure for prescription drugs in the so-called coverage gap.

Well, 92 percent of the people who signed up for Medicare are not affected by the coverage gap. That is, 45 percent of all Medicare beneficiaries will be eligible. Some fall into a category where they are eligible for low-income subsidies and therefore not affected by the gap. They have annual drug expenditures well below the $2,250 level and will never reach the gap, or they have chosen an enhanced Part D plan that provides some coverage in the coverage gap. An additional 47 percent have prescription drug coverage from plans outside of Part D, government plans, veterans plans or another Federal program, or an employer-sponsored program. Or there are those 9 percent who just said, I don't get sick, I don't need drugs, I don't take drugs, and I am not going to sign up. Forty-seven percent of Americans fall into that group. So 92 percent of people will never be affected by the coverage gap.

But of those 8 percent who are, and this is the most important part, they need to concentrate on one of the enhanced plans when the open enrollment period comes up on the 15th of November.

Every Medicare beneficiary, every single Medicare beneficiary, 100 percent are covered for catastrophic.

What I would like to do with the balance of the time is to focus on the individuals who would benefit from being on an enhanced drug program.

Mr. Speaker, I have just taken a random page from some of the plans that are available in my State of Texas. This is what will appear on someone's computer screen. You have the company name, the plan name, monthly drug premium, the annual deductible, the cost-sharing coverage in the gap, the formulary percentage of drugs covered, and a checkmark for whether or not someone is enrolled in that plan.

If the plan you are in leaves you exposed in the coverage gap, I encourage people to go back to the computer screen or have their grandchild go to the computer for them and scroll through the plans available.

If you look down, Mr. Speaker, you will find that some of the plans, albeit they are more expensive from the standpoint of the monthly premium, but look, here is one with a zero dollar annual deductible. Yes, it has some cost sharing, between $2 and $40. Coverage in the gap, yes. Generic only, but if a person is on a blood pressure medicine, cholesterol-lowering medication or reflux medication, this may be a very valuable plan. And then the one right below it, again no deductible, but generic and branded.

This is the type of coverage someone needs to focus on if they found themselves having the expenditures in the so-called coverage gap.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ADDRESSING THE CRISIS IN DARFUR

Mr. WATT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. WATT. Mr. Speaker, as chairman of the Congressional Black Caucus, I want to start by thanking my colleagues in the Congressional Black Caucus, Representative DANNY DAVIS, who has already spoken, and the other members of the Congressional Black Caucus who are here this evening to shed more light on what is going on in the Sudan and to challenge our other Members of Congress and our administration to take action in this dire situation.

Many people, when they saw the movie Hotel Rwanda, believed that it was a fictional movie. Unfortunately, the actions, the things that were depicted in that movie, were not fictional at all. It is true that actors and actresses played the roles, but it depicted something that had actually transpired in our world, which has been described by Representative DANNY DAVIS as over 850,000 people killed through acts of genocide.

□ 1915

Unfortunately, that occurred with our United States Government and people around the world knowing that genocide was taking place in Rwanda and not taking any action to do anything about it.

Well, we are now facing a similar situation in the Sudan. We are up now to what is estimated to be 450,000 people having been killed by official governmental actions, genocide. We have declared it to be genocide. Our government has declared it to be genocide. And in addition to the 450,000 people who have been killed, over 2 million people have been displaced from their home communities, their villages, because they are fearful of staying in their communities lest they be killed by genocide also. And the beat goes on daily.

Mr. Speaker, this is something that must stop. It is inhumane and it is something that our country and people around the world should not continue to tolerate.

We visited, a number of us, Members of the Congressional Black Caucus and others, visited the Sudan and actually went into the displaced persons camps where we found conditions were horrible, where we found disproportionately women and children, because the men had stayed behind to fight, and most of them had been the victims of the killings and genocide. So we are going to have a situation where more and more and more children are going to be without parents if we do not act, and that is unacceptable.

The African Union troops have gone in to try to stabilize the situation, but we met with the African Union troops and their resources are depleted and they are not mobile enough. Even when they know another act of genocide is about to occur, they cannot move fast enough to the location where they know it is going to happen to prevent it from happening.

And so we have made it clear that the only way this can be resolved is for United Nations troops to be put into that area to stop the genocide that is going on.

Now, let me tell you what happened. The U.N. met and a resolution was passed, and still the United Nations troops are not in Sudan. The U.N. met and a resolution was passed authorizing troops to go into Lebanon, and the U.N. troops are already in Lebanon.

So there is something going on here, Mr. Speaker, that we need to expose to the world. We cannot distinguish between folks just because they are in Africa as opposed to the Middle East. We have got to take action. We call on our Congress and our administration and people around the world to do so this evening.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

Ms. KILPATRICK of Michigan. Mr. Speaker, the world is in total crisis. The conflict and the devastation in the Darfur region of Sudan is abominable. I call on the President of the United States, who named Andrew Natsios at the U.N. to be the Special Envoy, that we put the full might and credibility of what we have left in our country behind the genocide that is taking place in Darfur.

You have heard the numbers. Atrocities, government-sponsored terrorism, where the President of Sudan does not even acknowledge not only the U.N. forces, not only the African coalition that is there to help secure his people, but that genocide and the killings really exist.

I was on one of the delegations that went to Sudan earlier this year in a bipartisan, bicameral visit. It was outrageous what we saw. Yet, today, as the heightened conflict, killings, this government in Khartoum is now dropping bombs on the civilian population in the refugee camps. Just think about it. They have run them out of their villages. They have burned their villages. They have raped the women. They killed the men and had the children in total chaos and asking for help.

We are the most powerful Nation in the world today. We say that all the time. We must rise up to save the young children, the women, and the men for the sake of their own country.

President al-Bashir has turned his head on it. The Janjaweed, men on horses who ride herd on those villages, kill people, innocent civilians, it could be you, but you are living in another country.

I am asking tonight that we recognize the genocide, the horrific conditions that are going on in Darfur, which is in the southwest region of Sudan. Sudan is the largest country geographically in Africa. It has black Africans, African Arabs and others in the country.

Khartoum in the northern part of the country is where the seat of government is. They just recently signed a

southwest agreement in Darfur that they might be better, and better take care of their people, which they are not doing.

The security is deteriorating. There is a credible threat of famine that exists. More and more people are going hungry and starving, and the world relief food efforts are not able to get to the people who have been run off of their land.

The cease-fire is in shambles. The U.N. peacekeeping authority must keep in, and President al-Bashir is not letting them in.

Rise up. We need the Nations that surround the Sudan to speak up.

Egypt President Mubarak, I have been a strong supporter of Egypt, and I still will be, but you must speak up. You must do more. You and I have talked about this. You must do more.

Jordan, King Abdullah, you have got to get involved. You have got to get involved. People are dying as we speak.

The region must rise up. How can you let this happen one more time in any part of the world? These are people who cultivate and live and grow food before this atrocity which now has outlasted any other, including Rwanda, in terms of its devastation and loss of life.

The Chad-Sudan border that I visited on another occasion is overwhelmed by the people who are fleeing Sudan. Do we want to keep the chaos going? Do we not really have to sign up as God's people, one Nation under God and treat all of His people the same?

We have the authority, we have the power, and we have the partnerships to bring this to a conclusion. So I join my CBC colleagues this evening and ask that America rise up, that the Middle East region speak out to help people who cannot help themselves.

I want to thank Congressman DONALD PAYNE who is the author of a resolution that we sponsored and passed, H.R. 3127. We passed it in April. We sent it to the Senate, where they sat on it. Now, I understand a Senator does not want to pass it because it was too strong. How can a resolution be strong, too strong when it is about the very subsistence of life for a people?

So I call on all good men and women of the world, Darfur needs us to step up, the people, the children, the women, the men, the villages. We can do better.

I ask that we stand and fight and speak and work, that the people in Darfur can have life and have it more abundantly.

Mr. Speaker, today the African Union agreed to extend its mandate of peacekeeping forces in Darfur through the end of the year ensuring that international troops will remain in the Sudanese province for now. I rise today to support H.R. 3127, the Darfur Peace and Accountability Act. Current circumstances dictate that we develop tangible solutions, in order to provide hope to the people of Darfur. Darfurians are suffering extreme hardships. Every day is a struggle to survive for the Internally Displaced Persons, IDPs, in camps in Chad.

The Sudanese conflict in Darfur is the longest running civil war in Africa, and there are no clear signs of a negotiated resolution. President Bashir has said time and time again that he will not approve U.N. forces to come in to his country.

There are at least 2.61 million people affected by the conflict. Children no longer attend school, women face the prospects of rape, violence and death each day as they exist in refugee camps and venture outside the confines of camp for water and firewood. 70,000 people have already lost their lives. The number of displaced persons continues to expand and is estimated now at 1.9 million people.

When I say the situation is worsening, the facts reinforce the reality. Even as I stand before you, the Sudanese government is engaged in aerial bombings directed at the refugees. The Janjaweed are directing increasing bold and violent attacks, massacres of refugees. The African Union has affirmed its intention to fulfill its mandate, but it is imperative that the transition to a United Nations force be made consistent with Security Council Resolution 1706.

The world is watching as genocide engulfs victims in an African country. It appears that we did not learn the lessons that resulted from the genocide efforts that occurred in Rwanda. We vowed never to forget; yet, we are not doing enough to ensure the safety and security of innocent victims in Darfur.

It is critical to place the matter of Darfur in context. The porous border between Sudan and Chad is expected to see a massive influx of about 20,000 refugees at the expiration of the AU mandate. A number of estimates suggest that this number will be closer to 50,000 people. The World Food Program has stated unequivocally that they are incapable of providing food and assistance whenever the current crisis deteriorates. The fact of the matter is the current conflict presents a moral imperative for the world and for people of conscience. If nothing is done, there will be negative impact in neighboring countries. Many of the neighboring countries will be overextended as their limited resources are stretched to cope with the needs of the refugees.

It cannot be overemphasized that more leadership must occur in order to end the crimes against humanity occurring in Darfur. It is clear that the government of Khartoum thinks that the world, the U.N. and African and Muslim countries lack the moral resolve to tackle this issue. The countries of Egypt and Nigeria must exert their considerable influence to tackle this ever-widening problem. God and history will judge all of us harshly if we do not rescue the current victims of Janjaweed atrocities.

Former Secretary of State Colin Powell declared that genocide was occurring in Darfur, Sudan. Even with a declaration of genocide, the suffering continues.

We in the Congress have told the people of Darfur that help is on the way. The FY 07 request includes $108 million for refugee assistance, $60 million for conflict management in Sudan, $170 million for Peacekeeping Operations, PKO, which is $30 million less than the request, and approximately $70 million for Contributions to International Peacekeeping, CIPA. But these resources are far from enough.

What is required is a moral imperative and clear, decisive mandates emanating from the UN that provide blue helmet soldiers on the ground with the authority to uphold peace.

I have traveled to Darfur, and I am pained to say that the genocide occurring in Darfur is tantamount to ethnic cleansing by Arab Muslims against indigenous African Muslims. There is no escaping this reality.

In closing, it is crucial that the following occur. We must support the Special Envoy for Sudan, Andrew Natsios, former USAID Administrator appointed by President Bush. Nonetheless, there is still a strong need for passage of the Special Envoy Resolution, H. Res. 992. This resolution not only calls for the appointment of a Special Envoy but also for that individual to have a strong mandate, staff and backing of senior administration officials. Passage of this bill will show Congressional support for the Envoy. All 4 Co-chairs of the Sudan Caucus are co-sponsors.

Finally, the Darfur Peace and Accountability Act, H.R. 3127, passed the House last spring. Another version of this bill, S. 1462, also passed the Senate. House and Senate staff met in April to agree on a compromise. The Senate had agreed to take up H.R. 3127. For months the bill languished. Last Monday, Senator LUGAR introduced a new version of H.R. 3127. Procedurally and time-wise this presents several problems. It is crucial that Congress pass a bill that will address the plight of the victims of Sudan before we adjourn, and that, in turn, the president sign the legislation.

We must send a clear and strong message to our suffering brothers and sisters in Darfur to hold strong.

ENDING THE GENOCIDE IN DARFUR SHOULD BE A TOP PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise to add my voice to my colleagues' plea to this administration to make ending the genocide in Darfur a top priority.

Mr. Speaker, I rise, joining my colleagues, thanking them for all of the work that they have done. The Congressional Black Caucus, led by Mr. DONALD PAYNE, have done everything we could possibly do.

Members of the Congressional Black Caucus and other concerned Members of Congress have written letters to the Bush administration, letters to the United Nations, visited the United Nations on more than one occasion, met with Kofi Annan. We have done everything we could possibly do. Each of us individually have written letters. I wrote to the President back in 2004 and implored him to take action.

In July of 2004, I sent letters to the other members of the United Nations Security Council, urging that the United Nations take action to end the slaughter in Sudan. This letter was signed by 41 Members of Congress, including my good friend from across the aisle, Congressman SPENCER BACHUS.

Last April, Members of Congress sent a letter to Secretary of State Condoleeza Rice expressing our support for the appointment of a Special Envoy

for Sudan. Well, I understand 2 years later, after the administration even admitted and agreed that genocide was going on and after the Members of Congress have sent letters to the Secretary of State and to the President, finally an envoy is being sent to the Sudan. A little bit late, but we are appreciative for that. We are desperate.

Also, last April the House of Representatives passed H.R. 3127, the Darfur Peace Accountability Act by an overwhelming vote of 416–3. This bill would impose sanctions on the Government of Sudan and block the assets and restrict travel to individuals who are responsible for acts of genocide, war crimes and crimes against humanity in Darfur. Unfortunately, the Senate has yet to take up the bill. I understand that the Senate will be taking up the bill, but they have stripped out an important part of the bill on divestment, but we are desperate. Even with that part of it stripped out, we want this bill passed.

My colleague DONALD PAYNE who helped to author this bill has done everything that he could possibly do to get the Senate to move this bill. We humbly come before the people of this country tonight, not only imploring the President of the United States to use his bully pulpit to make this a priority, to talk with the Chinese, to talk with whomever needs to be talked with, to get something done, to get those troops up there to stop this genocide.

Earlier this year, I traveled to Sudan as part of a bipartisan congressional delegation led by NANCY PELOSI, the minority leader. We visited the refugee camps. As far as the eye could see, there were crowds of displaced persons who had been driven from their homes, living literally on the ground, the little tarps just covering them. It is unconscionable that this should continue.

On April 28, and again on May 16, several of my colleagues were arrested in front of the Embassy of Sudan, protesting the genocide.

And as I said, yesterday, finally, Bush appointed a Special Envoy for Sudan, and this is 2 years after the Bush administration determined that genocide was taking place in Darfur. Again, it is late, but we are appreciative; but we want to say in no uncertain terms, the President must lead an all-out diplomatic offensive in support of a robust United Nations peacekeeping force that will have the authority to protect the people of Darfur.

More than 450,000 people have died since 2003 as a result of the genocide in Darfur. There are 2.5 million displaced people in camps in Darfur and another 350,000 in refugee camps in neighboring Chad. Almost 7,000 people are dying every month in Darfur. There can be no doubt that what is taking place in Darfur is genocide and the Government of Sudan is responsible.

Crimes against humanity in Darfur have escalated in recent months. Over 500 women were raped over the summer in one camp alone. There have been renewed attacks and aerial bombardment and 12 humanitarian workers were killed, two of them in the last 4 weeks. If the United Nations does not intervene in Darfur now, the death toll could rise dramatically in the next few months.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. Well, enough said.

Yet we cannot seem to get the international community to move fast enough to stop the genocide that is taking place in Darfur.

The Bush Administration and the international community cannot continue to ignore this genocide. The United Nations must put an end to these crimes before millions more men, women and children are allowed to die.

□ 1930

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4830, BORDER TUNNEL PREVENTION ACT OF 2006; FOR CONSIDERATION OF H.R. 6094, COMMUNITY PROTECTION ACT OF 2006; AND FOR CONSIDERATION OF H.R. 6095, IMMIGRATION LAW ENFORCEMENT ACT OF 2006

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–671) on the resolution (H. Res. 1018) providing for consideration of the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; for consideration of the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime; and for consideration of the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GENOCIDE IN DARFUR

Ms. MOORE of Wisconsin. Mr. Speaker, I would like 5 minutes to address the body.

The SPEAKER pro tempore. Without objection, the gentlewoman from Wisconsin is recognized for 5 minutes.

There was no objection.

Ms. MOORE of Wisconsin. Mr. Speaker, I, like other Members of this body, am very reluctant to use inflammatory rhetoric, and it is very, very inflammatory to label what is going on in Darfur as genocide. It is inflammatory, it is accusatory, it indicts the government. And, moreover, Mr. Speaker it pricks our humanity, because if we were to not deny that it were genocide, there is no way that we could just sit back and do nothing. If we deny that it is genocide, it is just easy to walk away and say that what is going on there is somebody else's business.

Well, the international legal definition of the crime of genocide is found in Article 2 of the Convention on the Prevention and Punishment of Genocide. It describes the two elements that constitutes genocide as, one, a mental element attempting to destroy in whole or in part a national, ethnic, racial, or religious group; and, two, a physical element, which includes five types of violence, Mr. Speaker: killing of members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about the physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

Now, if you look at what is happening in Darfur, if you pull off the blinders, you will find that more than 400,000 people have been killed by the government forces and militias from 2003 to the present time, and the killing continues.

Bodily and mental harm certainly has occurred as young women and girls are raped by soldiers and militias. Such physical and mental harm will continue to affect these women and families for generations to come.

Hundreds of thousands of lives have been lost to the deliberate destruction of homes, crops, water resources; physical displacement of over 2 million people, resulting in conditions of famine, disease, epidemics in both inaccessible areas and in camps for displaced people; the killing of pregnant women; the use of rape as a weapon of genocide, as many perpetrators have been arrogant enough to state that their intent is to change the ethnic identity of the child conceived by rape.

2004, July, this House and the Senate declared that the atrocities in Darfur constitute genocide. 2004, September, then-Secretary of State Colin Powell announced that the killing, raping, and other atrocities occurring in Darfur was genocide. But 2 years and much empty talk later, the violence continues, Mr. Speaker.

The U.N. and humanitarian organizations continue to report a continuing deteriorating situation. Twenty-six thousand Sudan Armed Forces are headed to the Darfur region for a major offensive against people. Humanitarian groups have remained concerned that

their ability to continue to provide aid to over 2 million displaced victims are insecure as the violence continues.

The time for debating this genocide or declaring it genocide is over. It is time to do something now.

There are only two options, Mr. Speaker, as I leave to go back to my seat. One would be to extend the African Union peacekeeping force mandate; or, two, to send in the U.N. peacekeepers in Sudan, even though the Sudanese Government refuses to accept them.

Of course, Mr. Speaker, there is one other option: To continue to do nothing. For evil to triumph, it is only necessary that good men do nothing.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DARFUR

Ms. PELOSI. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. PELOSI. Mr. Speaker, how many times can people say, ''Never again,'' and then proceed to observe the systematic elimination of a people, of genocide? When it happened in Rwanda, we were shocked, horrified. While it was happening and after it happened, we all examined our consciences and said, how could we have let that happen? Never again. That had been said after Bosnia; of course, after the Holocaust, which was the ultimate, of course, genocide.

So here we are with a very well-documented genocide where the people of the world are appalled by it. There is great sadness about the loss of life and displacement of people, much dismay about the fact that the humanitarian assistance cannot be delivered. In fact, some of the humanitarian deliverers of that aid are being killed in the Sudan and Darfur region now. And yet, for some reason, as a country, as a world, we seem incapable of taking the necessary action.

I want to commend DONALD PAYNE for his tremendous leadership on this important issue. With that leadership, some of us went to the Darfur region earlier in the spring of this year. We saw the children. The little ones still sort of had a bright spark in their eyes, the little babies, but as the children got a little bit older, you could see that pall come over them. They had seen too much, pillaging of villages, kidnapping of their fathers, and murder perhaps of their parents, the raping of their mothers; just unthinkable, unimaginable horrible acts of violence right in front of the children. And in their cases, some of them, too, were victims of the same atrocities that I just named.

We had a great delegation. Congresswoman BARBARA LEE was a very important part of it, and she brought her significant knowledge of Africa and of poverty and of divestment in her initiative to lead the divestment movement in this country, and I hope that in the Senate version of the Darfur Accountability Act that the divestment language will be as written by Congresswoman BARBARA LEE.

The chair of our Congressional Black Cause, Congressman MEL WATT, was on our trip. The chair of our caucus, Chairman CLYBURN, MAXINE WATERS. It was a very distinguished delegation, and we went there with the idea that we would make a difference, that our voices would be heard with much greater authority when we came home.

When we came home, we went to the United Nations and we met with Kofi Annan and said how urgent the situation was and that something had to be done, and we had hoped that it would be just a matter of weeks, that was in March, that something would be done. We met with the President of the United States and offered to work together on the issue of the resolving this terrible, terrible genocide in the Sudan.

But the time has gone by. And we said at the time, we can't wait 6 months. They said, well, we probably can't get a U.N. force in there until 6 months. And we said, no, we can't wait 6 months. These children will be gone by then.

We were in a camp that had 100,000 people. These children, these beautiful little children, were living in huts that were made of just discarded materials. And I couldn't help but think that when we send our aid, whether it is grain or rice or whatever foodstuffs we send in those bags that say ''Made in the U.S.A.,'' you wouldn't have thought that you would see those same bags as huts. That is what people lived in, these bags draped over sticks.

The conditions were unhealthy, contributed to the health problems and the loss of life. The situation was desperate. And still, 6 months later, we are still looking for the answer.

Everybody bears a responsibility for this. The American people certainly care, and they have voiced their concern. College campuses across the country are the scene of rallies for Darfur. Central Park on Sunday and other places throughout the country, people turned out for Darfur. Here in Washington a few months ago, an incredible record-breaking crowd came out. The Jewish community, God bless them, has taken the lead. Rabbi David Sapperstein and others have come together, brought the Jewish community to be a major part of this because they knew and they know what ''never again'' means.

So let us, in making these statements that we are making tonight, be part of a resolve that this is a top priority for our country. Last week our delegation, we come together regularly to see how we are doing, where we can make a difference, where we go from here, we met with many of the humanitarian groups that minister to the needs of the people in the Darfur region. They told us that 14 humanitarian deliverers of aid had been killed, as I mentioned. They told us about the horrendous conditions and how it all worsened and how difficult it was to deliver the aid. And we promised them that we would make an even more concerted effort.

So we wrote to the President, talked about the deteriorating situation in Darfur, and we did ask him to appoint a special envoy, and we are very pleased that he made that announcement at the U.N. this week and that there would be an extension, a request to the African Union to renew its mandate until a U.N. force can take over. And that seems to be the course of action that will be taken.

It is not enough. The African Union force is doing a good job for the resources that they have, but they have no mobility, they have no charge to really keep the peace. But they are a presence and a respected one, and I admire the work that they are doing. But they can't do the job without funds, without mobility, the trucks, whatever, to move around quickly, because they are covering an area the size of Texas. This small band is covering an area the size of Texas. Mr. GREEN knows a lot about the size of Texas and the size of Darfur.

We also want to be able to bring our delegation, our delegation was a bipartisan group, together hopefully to meet with the President to set some goals, state the resolve, get the job done.

But this behavior that we saw in Darfur, the treatment of these people, was outside the circle of civilized human behavior.

What we saw from the authorities in the Sudan was denial of what was happening in Darfur. So that makes the challenge even greater. But if our word is to mean anything and our credibility is to be intact, we can't really say never again when we see the horrors of a genocide and the look in the eyes of the children to whom we owe more.

Many of us are very committed to our faith, whatever religion we espouse, and we are taught that we are all God's children and every person is made in the image and likeness of God and that we all carry a spark, a spark of divinity within us; and every person, therefore, is worthy of respect. I believe that is the case.

So what is the justice in these children and their families being at the mercy of the brutality that is being exacted upon them, without the whole world not only saying it but acting upon the words ''never again.''

So in that spirit I express my appreciation to Mr. PAYNE for his leadership. Nobody knows more on the subject, has

more dedication, and has been more courageous in going into places that have been a danger to him personally in order to represent the American people with great distinction and effectiveness. I thank you, Mr. PAYNE, and look to you for your ongoing leadership on this important issue.

□ 1945

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WHERE DO WE STAND?

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I rise to remind my colleagues that Dr. King was right when he proclaimed that the measure of a person is not where a person stands in times of comfort and convenience, but, rather, where a person stands in times of challenge and controversy.

I have a question for my colleagues, Mr. Speaker. The question is: Where do we stand on one of the great challenges and controversies of our time? Where do we stand, Mr. Speaker, on the question of genocide in Darfur? A question that transcends race because there really is but one race, and that is the human race; a question that transcends gender because what is happening in Darfur is happening to persons of both genders. Where do we stand on one of the great questions, one of the great controversies of our day?

It has been said that hundreds of thousands have been killed. Nobody really knows how many; millions displaced, but nobody really knows how many. Where do we stand on this great challenge and controversy of our time?

I have been to Darfur. I was there in the month of August. I have seen the throngs of humanity living in huts made of straw, living on the ground and off of the land, persons living under conditions that we would not want animals and lower life forms to live under. I have seen these conditions. No running water, no electricity, no sanitation facilities. Where do we stand on one of the great challenges and controversies of our time?

I met with the general of the AU forces. He made it very clear that they were being outgunned, that they were being overpowered under certain circumstances, that they needed help, and he would welcome the presence of the U.N. forces. Where do we stand on one of the great challenges and controversies of our time?

We met with NGOs. They told us of how 11-year-old babies had been raped, and how the government would not allow an offense report to be filed. File an incident report, say that it happened, but don't give enough details so that a proper prosecution could take place. Where do we stand on one of the great challenges and controversies of our time?

I met with former rebel leaders who are now part of the government. They want the U.N. forces. They understand that genocide is still taking place in Darfur. They understand that unless we have outside intervention, it will continue. Where do we stand on this great challenge and controversy of our time?

A superpower has to have super vision. Where there is no vision, the people perish. And when a superpower doesn't have super vision, you have super deaths, super atrocities. Where do we stand on one of the great challenges of our time?

Mr. Speaker, Mr. PAYNE, members of the CBC, Leader PELOSI, we stand with the people of Darfur, the indigenous population. We stand for justice, for the least, the last and the lost. We stand for making sure that no decent, self-respecting company does business with Darfur. Any company that does business with Darfur commits a sin. This is one of the great tragedies of our time. We stand for standing against those businesses that are allowing this tragedy to continue, because if you do business with this country, you are doing business with those who are perpetrating genocide.

So, Mr. Speaker, I want you to know that there are good people in this House, and we are calling on people of goodwill to take a stand against one of the great challenges and controversies of our time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

(Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GENOCIDE IN DARFUR

Ms. LEE. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. LEE. Mr. Speaker, I thank Representative PAYNE for his leadership, and for being that lone voice many, many years ago, calling to our attention the atrocities, the genocide, that has been taking place in Darfur.

We have debated this genocide for nearly 2 years now. It is time for action. As we speak, the violence in Darfur escalates while the hands of the United Nations, quite frankly, are tied by Sudanese President al-Bashir.

Mr. Speaker, this is the moment of truth. The world is watching. Just yesterday, the President announced at the United Nations General Assembly that Andrew Natsios will serve as the President's Special Envoy for Sudan. A special envoy is long overdue.

The situation in Darfur has deteriorated rapidly over the last few months. Rapes have increased. There were about 500 rapes over the summer in one camp alone. Twelve humanitarian workers have been killed, including two in the last 4 weeks.

Mr. Speaker, 26,000 Sudan armed forces are headed to Darfur for major offensive. There has been renewed aerial bombardment. Twelve years ago, the world stood by when almost 1 million people were slaughtered in Rwanda. And for the most part the only thing our government did was say ''I'm sorry,'' and that was after the fact.

Now we have said, ''Not on our watch. We will not have another Rwanda,'' so our credibility, quite frankly, is on the line. We cannot let Darfur become another Rwanda. Already too many people, we are hearing upwards of 400,000 to 450,000 people have died. Too many women have been raped, too many villages have been burned, and too many people have been displaced.

I witnessed this ongoing tragedy on two occasions. The first time was in January of 2005 in a bipartisan delegation under the leadership of Chairman ED ROYCE. We visited the refugee camps in Chad and went into Darfur with two great humanitarian leaders, Don Cheadle, the brilliant Academy Award nominee, star of ''Hotel Rwanda,'' and also Paul Rusase-bi-gee-na whose courage in Rwanda saved many, many lives.

During that visit we saw children and we talked to the children who were traumatized. Everyone was traumatized. You could see it in their eyes. They were dazed. The children painted pictures when we said what happened. They painted pictures of airplanes and helicopters with bombs dropping on the villages. Then at the bottom of picture, what was there but men on horseback with guns and with machetes burning down the villages and killing the people. This is what children saw and what they were communicating with us and begging and pleading us to stop.

Most recently, under the great leadership of Minority Leader NANCY

PELOSI, she led a bipartisan delegation, we once again visited refugee camps in another region of Darfur and saw the same suffering. This was a year and a half later, and it was escalating and getting worse. We talked to people and saw once again, genocide is taking place right during our watch. We have to be more about action and not just about talk. We have to use every tool available to end this genocide. That is why we are doing everything we can do.

We are frustrated by the slow action of this Congress and especially the Senate. The House passed the bipartisan Darfur Peace and Accountability Act in April. Who knows how many lives would have been saved had that bill been moved out of the Senate quickly?

Yes, I believe we have to hit Khartoum where it hurts, and that is in their pocketbook, and allow States to divest of their pension funds in companies with blood on their hands, companies that have invested and are doing business in the Sudan. You may remember that divestment was a successful tool in ending the apartheid regime of South Africa.

Today, young people, State legislatures, colleges, universities, States, Illinois, New Jersey, Oregon and Maine, have all passed legislation mandating divestment of State funds from companies that conduct business in the Sudan. The divestment legislation in California awaits signature of our Governor. States like Massachusetts, Rhode Island, North Carolina, Kansas, Wisconsin, Indiana, Georgia, Maryland, New York, Iowa and Texas, all of these States have legislation, they are drafting it or it is in place, to divest of State funds from companies that conduct business in the Sudan. It is a shame that we can't get this provision in the bill or keep it in the bill as it moves out of the Senate.

Additionally, Students Taking Action Now: Darfur (STAND) are driving their respective colleges and universities to divest from companies doing business in the Sudan.

And yes, we have introduced the Darfur Accountability and Divestment Act which applauds the divestment efforts and provides preemption language to protect their divestment activities.

And we also believe in this bill that we are going to go a little bit further and say the United States Government prohibits contracts with any multinational company doing business in the Sudan if the nature of the business relationship is with the national, regional, and local Government of Sudan, and many other aspects of really calling out those companies who continue to hide behind the shield of their business operations and investment operations, but really what they are doing is contributing to the Sudanese Government in their efforts to wipe out a whole group of people.

We are not without options to stop this genocide and the suffering in Darfur. If we have the political will, we can end the suffering. It is a desperate situation. It is a humanitarian catastrophe. We must insist upon a real political settlement, a peace agreement that goes far beyond the May 6 agreement.

We have to ensure that Darfurians return to their villages quickly and reclaim their lives. We have to bring the perpetrators of this State-sponsored genocide, and that is what it is, State-sponsored genocide; we have to bring them to justice. I thank Mr. PAYNE for his leadership.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

(Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2000

BLAME AMERICA FIRST CROWD; CONDEMN OUR TROOPS

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. POE). Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. GOHMERT. Mr. Speaker, there are some that come before this body, come to this floor and like to play the blame America first. Let us play the blame game, blame America first. We have had people come here, and even a former marine came to this floor and called Active Duty marines cold-blooded killers who had not been tried, who had not been even charged, and, as I understand it, not even charged today, accused people of coverups.

There is so much good in the United States military services. It deserves to be addressed. The members of our military deserve accolades. Having spent 4 years in the United States Army, I can tell you that these members serving now are some of the best that have ever served in the United States armed services.

So rather than blame America first, as so many want to do, I thought it would be more appropriate to come to the floor and talk about heroes of our American military, people of whom we are proud.

Now, you are going to end up hearing me do this quite a bit from here on. We have asked for information from the Department of Defense about people who have won honors for their heroic acts, and so I want to present to you tonight about Sergeant First Class Paul Smith. He served with Bravo Company, 11th Engineer Battalion, 1st Brigade Combat Team, 3rd Infantry Division out of Fort Stewart, Georgia, during the invasion of Iraq in March of 2003.

On April 4, 2003, Sergeant Smith was setting up a temporary enemy prisoner of war holding area during the seizure of Saddam International Airport when his unit came under attack. Smith kept his soldiers focused during the fight while engaging the Iraqi force of around 100 men with his M16, one hand grenade, and an AT4 antiarmor weapon.

At one point in the battle, Sergeant Smith manned a .50-caliber machine gun in the exposed turret of a damaged M113 armored personnel carrier and began firing at the main force of the enemy. He fired about 400 rounds of ammunition, which gave his soldiers time to regroup, time to mount an attack of their own. And when the shooting stopped, the Iraqi force had been defeated. Unfortunately, that was not before Sergeant Smith suffered an enemy bullet to the head.

Two years to the day later, Sergeant First Class Paul Smith's 11-year-old son David was presented this Nation's highest honor, his father's Medal of Honor, by President Bush. The President did not fall short on recognizing the significance of Sergeant Smith's heroic actions. He said, ''Sergeant Smith gave his all for his men. Five days later Baghdad fell, and the Iraqi people were liberated. We count ourselves blessed that we have soldiers like Sergeant Smith.''

Jesus said, ''Greater love hath no one than this, that one lay down his life for his friends.'' Sergeant First Class Paul Smith laid down his life for all of his men, for his country, and we are the better for it.

May God bless Sergeant Smith, his soul, his family, his soldiers. And may God continue to bless America.

DARFUR PEACE AND ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, we are at a very dangerous point in time in our fight for human rights and human dignity as the atrocities in the Sudan continue to spiral out of control and hundreds of thousands of lives are held in the balance.

Millions of Sudanese have already been brutalized, raped, murdered, and displaced as the world stands idly by and waits to decide whether they are going to intervene or not on behalf of those victims.

Mr. Speaker, we cannot afford to wait any longer. This Nation, our Nation, America must reclaim its role as the world's moral leader and the world's greatest defender of the oppressed. At a time when we are asking others to trust our judgment and join us against tyranny, there is no other call as just as the one we face in Darfur.

America cannot and the world cannot continue to turn a blind eye to the atrocities taking place in Sudan. History would judge us harshly for allowing these acts of brutality to fester,

and this purge on humankind will forever and ever stain our collective memories.

President Bush, in looking back on these same atrocities that took place in Rwanda, once a very long time ago declared, ''Not on my watch.''

Indeed, all decent, responsible peoples now look back in disgrace and horror as we recall how genocide was passively allowed to take place in our modern and civilized world, and we did nothing, absolutely nothing, to stop it.

Today, as we face the same predicament, it is imperative that we act quickly and decisively to stop the brutality before it spreads any further, stop the rapes, stop the murders before they spread any further, because this type of mass murder and brutality not only hurts those who are being oppressed, but it also damages the souls and the psyches of those who stand by and provide no help. If we are the true leader of the free world, then America has the added responsibility and the duty to stand up and fight for the oppressed. We have the power. We have the prominence. We have the influence to act, and that is what we must do. We do not have to use brute force in Sudan to fight these atrocities, but at the very least, we must, we must, we must rally the world to this cause. We must show honor. We must show courage. We must lead others in this struggle for human dignity and respect.

My friends, this is not a Republican or a Democratic issue. This is not even an American issue. This is a human issue. And we all have a stake in the outcome, because if we live in a world where people are allowed to be mutilated and raped, where people can be pushed out of their homes and murdered indiscriminately and without reproach while the powerful just stand by and watch, then we are losing the war against terror, and the world we are leaving for our children will be one not worth fighting for.

We must act. We must act now. We must stop the murder and the genocide in Darfur.

THE WORSENING GENOCIDE IN DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I thank Congressman PAYNE, Congressman MCGOVERN, and Congresswoman BARBARA LEE for their leadership and for their commitment to bring peace and security in the war-torn region in western Sudan that we have talked about today as Darfur.

I rise today to echo what my colleagues of the Sudan Caucus have already said. We all know what is going on in Darfur and what needs to be done. What else needs to be said or done for the United Nations to act effectively?

The situation in Darfur has deteriorated rapidly over just the last few months, with increased rapes, 500 rapes over the summer in one camp alone; renewed attacks on innocent victims, 12 humanitarian workers killed, including 2 in the last 4 weeks; 26,000 Sudan Armed Forces headed to the Darfur region to engage in a major offensive; renewed air bombardments; the peace agreement not working; continued integration of the Janjaweed into the security forces of the national police of the government; government-sponsored terrorism against innocent victims.

How many lives need to be affected, Mr. Speaker, before we say it is enough? Two point six million, is that not enough?

How many people need to be displaced, Mr. Speaker? Two million? Two million is not enough?

How many people need to die? Four hundred thousand women and children, innocent people?

How many women need to be raped before we say enough is enough in that region of the world, and our Nation will not stand for it?

Someone said the death of any person diminishes each one of us. If that be true, and if we are truly involved in the global world, then all of us, every life in this country, every life in America, every life in the world, is made smaller and less significant by the suffering we let others endure and by the suffering we tolerate of them in Darfur.

The people of Darfur are suffering a slow and painful death, and it is a catastrophe that doesn't have to take place. We have options. We can do things about this. And as other speakers have said, it doesn't involve brute force. It doesn't involve going to war. It involves making sure that the United Nations does its job, that America does its job, that we engage the government there, but that we don't wait for the government to give permission to come into the region, that we do what needs to be done. Because that region is so vast and so large and so difficult to patrol, it takes a lot of forces in there to make it work. And it takes, also, people on the ground feeling confident and hopeful enough to take some things into their own hands. Right now they don't have any idea what tomorrow is going to bring, and they cannot have hope in that sort of situation.

So, Mr. Speaker, we are here tonight to urge the American people to become engaged with us in the Congress, with the voices that are here that are now trying to tell the people in this country how important Darfur is to all of us, to our country not because it has a lot of oil or a lot of sugarcane or a lot of other things that we are using in this country, not because it has a lot of people there who are committed to democracy and to America, but because there are human beings there who are suffering needlessly, and we can stop it. We can do something about it. And if we don't, it makes us smaller in our efforts to increase our stature in the world.

There is no way, as some have said, that we are going to take America's credibility seriously on the issues of human rights and the issues of democracy if we do not do it where it is taking place in the worst and most flagrant fashion. So that place today happens to be Darfur.

We watched in astonishment when we saw the atrocities in Rwanda. We watched in other places around the world. But the major place right now where we have so much going on in one place, one little corner of the world where innocent people are dying and we can do something about it, is Darfur.

So I hope the American people get this name in their minds, look this country up on the map, and come to understand what is going on. It is important to us. It is important to us as human beings that we do something about this. And we are here tonight almost just as voices in the wilderness crying about this thing. Look, it is time for America to act. It is time for our President to act. It is time for our Congress to act. It is time for all of us to engage in this.

So that is why we are on the floor tonight, to make sure that those who are at home now around their dinner tables, who are sitting and watching some show on television might take a minute just to think about the people in Darfur and try to find a way with all of us to join hands with them to help to end their suffering.

□ 2015

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ZOE LOFGREN) is recognized for 5 minutes.

(Ms. ZOE LOFGREN of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ESHOO) is recognized for 5 minutes.

(Ms. ESHOO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GENOCIDE IN DARFUR, SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, let me thank the Members who have participated in the dialogue on what is going on in the Darfur region of Sudan.

Let me thank our leader, Leader PELOSI, for her participation, Chairman WATT of the Congressional Black Caucus from North Carolina, Congresswoman KILPATRICK from Michigan, Congresswomen LEE, WATSON and WATERS from California, Congressmen RUSH and DAVIS from Illinois, Congressman GREEN from Texas, Congresswoman MOORE from Wisconsin, and Congressman JEFFERSON from Louisiana for their participation this evening.

Let me also acknowledge other Members who were not here tonight but have been real troopers in this battle for justice. Congressman CAPUANO from Massachusetts, and on the other side of the aisle, this is indeed not a partisan issue, because there is no person who has fought harder for the last 20 years or so on Sudan than Congressman WOLF from Virginia. He is there all of the time.

Congressman TANCREDO from Colorado, Congressman ROYCE from California, Congressman SMITH from New Jersey, all Members of the House who have said that enough is enough, that we must do more. And so 2 years ago, we declared genocide in Darfur. And that was 10 years after the world ignored Rwanda when genocide went on.

And had the world done something in Armenia in 1916, when the so-called young Turks came in and had genocide on the Armenia population, perhaps this would not have happened today. Or in 1939 as the German Nazis went through Europe and created the Holocaust, perhaps this would not have happened.

If in Cambodia when Pol Pot and his regime killed millions of people, perhaps this would not have happened. If in Rwanda, when we saw the genocide happen, perhaps it would not be happening in Darfur. But we looked the other way in all of those instances and genocide is still here today. We must stop the genocide.

There is no reason for people to still be slaughtered as they are being. You have heard the figures, and I will not repeat them. But the National Congress Party, formerly the National Islamic Front, cannot and should not get away with this campaign of murder and terrorism.

This government under President Bashir came to power in a bloody coup d'etat in 1989. The NIF Government harbored Osama bin Laden for 5 years, from 1991 to 1996. From there his operatives planned the assassination attempt on President Mubarak of Egypt. The NIF Government never was held responsible for harboring terrorists.

They were responsible for millions of deaths before and they continue now to do this in Darfur. We must hold them accountable. There has been an authorization of 20,000 U.N. peacekeepers to go into Darfur. The government says no. We must, as President Bush said at the United Nations yesterday, we can no longer allow this to go on.

The U.N. must go into Darfur to help the 7,000 AU troops who cannot handle this job alone. I was quite pleased that President Bush was forceful in his remarks yesterday at the 61st United Nations General Assembly.

President Bush said, ''If the Sudanese Government does not approve this peacekeeping force quickly, the United Nations must act.''

He then stated that, ''the UN's credibility was on the line.'' President, Mr. Bush, I agree. And we must add that the credibility of the United States Government is also on the line. We cannot allow genocide to continue.

I welcome the appointment of Andrew Nazios as the Presidential envoy for Sudan. We look forward to working with him. But he must have a robust mandate. He must have the proper staff. He must have access to the White House. He must have leadership in the State Department if we are going to have a success.

Finally, countries with influence in Khartoum must be used to urge the Government of Khartoum to stop the genocide.

China, who our country, with the balance of trade to them, have made them a robust country with 500 million middle-class people as a result of their selling their products to us, must tell the Government of Sudan that they must stop what they are doing.

We should be able to force China to get involved and say that enough is enough. And Russia must continue, must be stopped from selling arms to Sudan.

The Arab League must step up to the plate. And Egypt that gets $2 billion a year from the United States taxpayers must stand up and tell their neighbors, their friends, the Government of Sudan, that enough is enough. We must hold our so-called friends accountable.

Mr. Speaker, I appreciate having the opportunity for us to have this discussion. We look forward to our government stepping up to the plate. Once again, enough is enough. It should really be ''never again.''

Let me just conclude by thanking the Metro West and the Jewish community in the State of New Jersey and throughout the United States who have come up and have been so supportive. And we are getting many more groups getting involved.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my Special Order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that act.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4954) ''An Act to improve maritime and cargo security through enhanced layered defenses, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on Homeland Security and Governmental Affairs: Ms. COLLINS, Mr. COLEMAN, Mr. BENNETT, Mr. LIEBERMAN, and Mr. LEVIN; and

Committee on Commerce, Science, and Transportation: Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Mr. INOUYE, and Mr. LAUTENBERG; and

Committee on Finance: Mr. GRASSLEY, Mr. HATCH, and Mr. BAUCUS; and

Committee on Banking, Housing and Urban Affairs: Mr. SHELBY, and Mr. SARBANES; and

As Additional Conferee: Mrs. MURRAY to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1035. An Act to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 3525) ''An act to amend subpart 2 of part B of title IV

of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes'', with amendments to the text and title of the bill.

CONTINUING THE BATTLE AGAINST ISLAMIC EXTREMISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 60 minutes as the designee of the majority leader.

Ms. ROS-LEHTINEN. Mr. Speaker, thank you for the opportunity to talk about the issue that is of foremost importance to our Nation, and that is continuing the battle against Islamic extremists.

Some seem to have forgotten that the front lines of our war against these Islam extremists is not limited to the countries with active conflicts such as Iraq and Afghanistan. Nor is our approach solely military.

On the contrary, from the onset of this war on terror, formally initiated by the enemy on September 11, 5 years ago, the U.S. has also employed all available political, diplomatic, and economic tools to address the growing threat which for far too long had been ignored by the previous administration.

We have undertaken bilateral strategies, built coalitions, and worked through regional and U.N. forums. Make no mistake, we are engaged in a battle of ideas, and one for our very survival. The Islamic extremists have declared war against freedom-loving nations.

Last year, a terrorist attack was foiled in Australia. But 52 people were killed by suicide bombers while on a public transit system in London. On November 5, 2005, the world once again looked in horror at the destruction caused by homicidal extremists in Jordan.

In 2005, and as recently as in April of this year, the people of Egypt also fell victim to jihadists. Months later, in July of this year, Islamofascists attacked India's financial capital, killing over 200 innocent people.

Last month, authorities in the United Kingdom announced that they had disrupted a plot to hijack as many as 10 aircraft that were headed from the U.K. to the U.S.

Hezbollah carried out attacks against Israel with the assistance and the support of Syria and Iran, the world's most active state sponsor of terror, that seeks nuclear weapons capability. All of these attacks are further evidence that the war against Islamic extremists is global, it is ongoing. And it is brutal.

In order to prevent future attacks, we must remain alert and proactive in the war against Islamic extremists. We need to bring the fight to their doors, and infiltrate their hierarchy, and to gain intelligence that will lead to the disruption and the fall of these groups so that they may no longer inflict harm upon the free world.

Iraq and Afghanistan serve as examples of what has been done so far and what remains to be done. But daily news reports focus only on the violence and attacks feeding into these efforts by the enemy to weaken our resolve so that they can capitalize on our weakness.

But there is a larger picture which is certainly more encouraging. For example, I was recently on a call with a senior Iraqi official who detailed how, despite the violence, the Iraqi Government and Iraqi forces, with the help of U.S. and coalition forces, have been able to deny the insurgents and the Islamic terrorists strongholds in the country.

Iraqis participated in elections three times since the year 2005. In 2005, we also saw Iraq draft a constitution that included their right to vote, that protected individual rights and religious beliefs, and safeguarded minority rights.

Iraq now has a unity government that draws upon different religious, political and ethnic groups. As Iraq has made substantial steps in its political institutions, it has also made great strides in its capabilities to secure their nation.

In his August 30 briefing, General Casey, the commanding general of the multinational forces, stated that the three-step process in building up Iraqi security forces to a point of being independently capable of providing security is almost 75 percent complete.

Iraq today is an Iraq transformed, an Iraq we helped rescue from the darkness of tyranny and guided them into the light of freedom.

My stepson Dougie and his wife Lindsey served as Marine officers in Iraq. And we thank all of the men and women who proudly wear their Nation's uniform. And in Afghanistan, Mr. Speaker, we have denied the al Qaeda terrorist network sanctuary, and we have assisted its transition to a multiparty democracy.

Once the terrorist refuge under the repressive Taliban regime, which hosted the likes of terrorist mastermind KSM, Afghanistan is now a full partner in our war on terror. There can be no safe haven allowed for Islamic extremists and their activities. They must be brought out of the shadows and seen for what they truly are.

In order to rout the Islamic extremists, we have been working with like-minded allies to create a global network of information used to monitor and destroy jihadist groups and their plots. We must also work to prevent the world's deadliest weapons from reaching the hands of these Islamic jihadists and from countries of concern such as Iran.

Toward that end, in May of 2003, President Bush launched the Proliferation Security Initiative, the PSI. The PSI is dedicated to stopping all aspects of the proliferation trade, and to denying terrorists, rogue states and their supplier networks access to WMD-related materials and their delivery systems.

Since its inception, the PSI has grown from a handful of nations to a global partnership of more than 70 countries from all around the world.

□ 2030

In December of 2003, the PSI enjoyed tremendous success when, as a result of a critical interdiction, Libya, a nation once designated as a state sponsor of terrorism, declared that it would eliminate all elements of its chemical and nuclear weapons program, that it would declare all nuclear activities to the International Atomic Energy Agency, that it would accept international inspections to ensure Libya's complete adherence to the Nuclear Nonproliferation Treaty and sign the IAEA additional protocol, and that Libya would eliminate all chemical weapons stocks and munitions and accede to the chemical weapons convention.

The PSI is but one component of our multiprong nonproliferation strategy, which is also a critical component of our broader counterterrorism efforts. Another important pillar of our counterterrorism strategy focuses on denying terrorists the funds to carry out attacks.

Just days after the 9/11 attacks, President Bush issued an executive order to starve terrorists of their support funds. The order immediately froze the financial assets of 27 different entities. It also prohibited any U.S. economic transactions of these groups. They included organizations, individual leaders, corporations and so-called nonprofit organizations, which are nothing more than fronts for Islamic extremists and jihadists.

In short, as the threats evolve or modify, so do our responses. New methods and strategies are being developed to keep our country safe in the face of this indiscriminate enemy. We must not waver. We must not lose focus. We must press on. As echoed in the words of Winston Churchill, ''One ought never to turn one's back on a threatened danger and try to run away from it. If you do that, you will double the danger. But if you meet it promptly and without flinching, you will reduce the danger by half.''

Our country, therefore, Mr. Speaker, must remain vigilant and forward-looking to ensure that we defeat the extremists and their murderous ideology. A few weeks ago, we commemorated, sadly, the fifth anniversary of the deplorable attacks against our Nation. Five years ago, our eyes could not accept the images being shown around the world. Our mind could not fathom the hatred that could drive these individuals to kill thousands of innocent human beings. At first we were surprised, but with the help and guidance

of good friends and allies around the world, especially Israel, which for decades has been targeted by the likes of 9/11 hijackers, we quickly turned our sorrow, our dismay and our anger into a catalyst for action, a strategy to combat the enemy wherever it rears its head. The September 11 attacks brought into sharp focus the scope of the threat from Islamic extremists. Defeating Islamic extremists and these organizations of global reach, denying them the promise and the benefits of state sponsorship, severing their lines of financing, closing their much-needed sanctuaries and preempting the proliferation of weapons and technology are all central components of this struggle. As Chair of the Subcommittee on the Middle East and Central Asia, this is my compass.

There is a great documentary called ''Obsession,'' which expresses how radical Islam is fixated on hatred and destruction and poses a tremendous threat to the United States, to Israel, and to all who refuse to be subjected to this distorted ideology of hate. Central to defeating the fanatics who have distorted this religion is the realization that we are facing an enemy that has decided to declare a full-fledged war upon us and is determined to destroy western civilization and the principles upon which it is based. Islamofascism is an ideology that is engrossed in destruction and world domination. Their view is wrong and highly misguided.

Consider the recent crisis in Lebanon which was triggered by Hezbollah extremists crossing the Israeli border and murdering eight Israeli soldiers and kidnapping two. It is clear that this unprovoked attack by Hezbollah was not triggered by occupation, as Israel was not occupying a single inch of Lebanese territory. Rather, it was an attack on Israel's very existence and everything that the Jewish state stands for. It was an attack against justice, democracy, tolerance and freedom, principles that are engrained in the foundation of the U.S., of Israel and the entire free world.

We must recognize this as a struggle of values, a battle of freedom and tolerance versus oppression and hatred. On the one hand, an ideology that views life as the most precious possession and, on the other, one infatuated with death and destruction. Israel's mere existence in the region is a thorn to the Jihadist ideology which seeks to impose terror and oppression. It is dangerous to believe that if only Israel is to give up more land, the conflict would be resolved and everything would be all right. This theory was proven wrong in Lebanon after Israel's withdrawal in 2000 and has proven to be wrong again after Israel made the painful withdrawal from the Gaza Strip just last year. In both cases, the extremists became emboldened and enhanced their attacks against Israel, thereby clearly indicating that no land-for-peace deal would ever solve the conflict, since the ultimate goal of these extremists is, in their very own words, to wipe Israel off the face of the world. In the words of a Hamas leader, ''We do not recognize the Israeli enemy, nor his right to be our neighbor, nor to stay on the land, nor his ownership of any inch of land.''

We must not negotiate with Hamas or with any government in which an Islamic terrorist group which refuses to lay down its arms and refuses to recognize Israel's right to exist as a Jewish state participates. Although Israel has been the primary target of Islamic terrorism, radical Islam threatens all who do not embrace it. The horrific attacks on 9/11 drove home the point that this clash expands well beyond the Arab-Israeli conflict.

It is also a tremendous mistake to believe that if the U.S. weren't such a strong supporter of Israel, extremists would stop their aggression against America. Terror bombings committed by these Islamic extremists in Buenos Aires, in Madrid, in London, and the brutal murder in Amsterdam of a Dutch filmmaker who was critical of radical Islam are just a few examples indicating that the fundamentalists are waging a war beyond Israel, beyond the United States, and that this war targets western civilization as a whole.

It is astonishing to me that after seeing the barbaric acts of this radical Islamofascist movement in their own countries that many in Europe still fail to see the threat posed by these fundamentalists. Surprising and dismaying as well is Europe's tremendously unbalanced condemning approach toward Israel. For a long time, Israel has been fighting on the front lines of a battle against radical Islam and it is a battle for all who value life, freedom and tolerance to join forces in the battle against these Jihadists who are threatening to destroy us.

The European Union, for example, should add Hezbollah, an extremist group responsible for murdering hundreds of Europeans, Americans and Israelis, on their list of terrorist organizations. Failure of civilized nations to place groups such as Hezbollah on their list of terrorist organizations is shocking, given all the innocent people brutally murdered by these Islamic extremists. The international community must wake up from its slumber and realize the threat posed by radical Islam, and it must be dealt with decisively or we would risk eradicating ourselves because of it.

In order to defeat the threat posed by radical Islam, it is essential to eliminate terror organizations like Hamas and Hezbollah that implement the brutal attacks and to isolate rogue regimes like Iran and Syria that provide the financial and military support to these extremists. As such, we must not and we cannot negotiate with any Palestinian Authority where Hamas or other Islamic terrorist entity participates. There are those who seek to bifurcate U.S. policy toward the P.A. and allow U.S. assistance to flow to ministries and offices of the Palestinian Authority that are not controlled by Hamas. But money is fungible. Assistance sent to one office can easily be diverted to Hamas or other Palestinian terrorist groups. Even the lines between Fatah and the al-Aqsa Martyr's Brigade are blurred.

The U.S. must isolate the Hamas-led government politically and diplomatically through implementing the Palestinian Anti-Terrorism Act, which I introduced, and which was overwhelmingly adopted by the House in May. The bill prohibits direct assistance to the Palestinian Authority, including the PLC and other P.A. bodies; it prohibits travel to the United States by members or associates of Hamas; it audits all committees, offices and commissions focused solely on the Palestinian agenda at the United Nations and calls for their elimination; it calls for the P.A. to be designated as a terrorist sanctuary; it calls for a reduction in diplomatic ties with the Palestinian Authority and the closure of the P.A.'s office in the U.S.

The version of the bill passed by the Senate, however, lacks several essential provisions that are necessary for the legislation to be effective. I am in discussions with Senate colleagues to reach a final agreement on the legislation and send a bill to the President that would make it significantly more difficult for terrorists to get their hands on U.S. funds. Without these provisions, our ability to prevent the terrorists from getting their hands on U.S. funds will be greatly diminished.

Passing the Palestinian Anti-Terrorism Act in its strongest form is an imperative part of achieving our objectives. Our stance against Islamic terrorism must be uncompromising. We must not allow political or military victories to be used by the extremists to further their hateful agenda. We must ensure that Hamas, Hezbollah and other radical Islamic entities are weakened. A critical starting point is by cutting off their lifeline of funds and weapons.

This is why, in light of the resurgence of Syria's support for terrorism, its aid to Iraqi insurgents, its pursuit of dangerous weapons and its stranglehold over Lebanese sovereignty, I recently spearheaded an effort urging President Bush to implement all currently unexercised sanctions available to him under the Syrian Accountability and Lebanese Sovereignty Restoration Act which I introduced with my colleague ELIOT ENGEL. If the U.S. fails to impose further sanctions on the Syrian regime and if the United Nations fails to enforce its own resolutions, Syria will be emboldened to wreak further havoc.

Similarly with Iran, which is at the core of the fight against Islamofascism worldwide and whose attempt to project its power poses a threat to Israel, to the United States and to international global security, we must take immediate steps to deny it the

materials, technology and much-needed funds to pursue their dastardly agenda.

The Iranian regime has for years supported Hezbollah and Hamas as well as the insurgents in Iraq who carry out attacks against our U.S. troops. The recent crisis in Lebanon made it very clear how intensely involved Iran is in supplying Hezbollah with Jihadist ideology, weapons and finances. Iran has used Hezbollah to expand its tentacles into the western hemisphere. As I said, we witnessed the 1992 bombing of the Israeli Embassy in Argentina and the July 1994 bombing of the AMIA Jewish Community Center, also in Buenos Aires.

□ 2045

This is just the tip of the iceberg. The Iranian leadership has continuously made threats to wipe Israel off the map. It has embarked on a mission through its nuclear pursuit and expansion of its chemical, biological and missile capabilities to implement this plan.

There is still time to contain the threat that is posed by Iran and adopt short and long-term policies that will compel Iran's extremist regime to change its unacceptable behavior. The Iran Freedom Support Act, which I authored and which has overwhelmingly passed the House, provides the tools to achieve the necessary short and long-term goals to counter the mounting Iranian offensive against Israel, against the United States and other freedom-loving nations.

The threat of Islamic jihadists is here, and global jihad will not go away on its own. It is up to us to confront and eliminate this threat. In the past we have defeated the evil of Nazism and communism. Today we can and we must work to defeat Islamic jihadists.

The film ''Obsession'' helps to explain how something as horrific and inconceivable as the events of September 11, 2001, could have transpired and why we must persevere in the international war on terror. This understanding is essential to our effective response.

Even with all that has occurred lately in the Middle East, I am hopeful that the cause of moderation in the Middle East is succeeding and that progress is being made to quell the threats. Moreover, we must stand up to those who criticize our policies of supporting our allies, like Israel, and who want to apologize to the terrorists and appease them.

We can remind them of the words that Churchill used to depict the scourge of Nazism, which he described as ''a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crime.''

Today we face an enemy as diabolical in its thirst for domination and destruction. We have no choice but to pursue victory, for our very civilization depends on it.

I would like to yield to my colleague, Mr. THADDEUS MCCOTTER, who has been a leading spokesman on our Subcommittee on the Middle East as well as on our full Committee on International Relations, to further expand on the war on terror, our war on radical Islamic jihadists, and why the United States will prevail with the help our allies.

Mr. MCCOTTER. Mr. Speaker, I thank the chairwoman. It was my hope to emphasize a point which you raised in your rather enlightening remarks today, and I thought I would best be able to do that through illustration with a map.

We often hear people wonder what the United States policy is currently in the Middle East in terms of our military and in turn how it affects our national security. Why does Iraq matter?

I will not use this occasion to dwell upon the past, because, as you have quoted Churchill, if I may myself, Winston Churchill pointed out that if we seek to open a quarrel between the past and the present, we will lose the future. We are where we are.

So let me explain. When you look at a map, you see Iraq right here in the heart of the Middle East. Surrounding Iraq are Syria and Iran, two state sponsors of terror.

If we allow what happened in the 1930s to happen here, you will see Syria continue to assist the insurgency in Iraq, Iran continue to assist the insurgency in Iraq, al Qaeda continue to infiltrate Iraq, and should Iraq's efforts towards democracy fail, you will see all three countries linked.

The crushing weight of putting Iraq back into the terrorist and the jihadist-fascist camp will have enormous ramifications, because the sheer combined weight will immediately press upon the Kingdom of Jordan. It will lead to the destruction finally with a counterattack by Hezbollah in the south to the Cedar Revolution in Lebanon. It will have enormous adverse effects in Egypt through the Muslim Brotherhood. It will also lead to the destabilization of Saudi Arabia, and, eventually, what Iran has professed, the destruction of the State of Israel itself.

Again, a historical parallel with Iraq at the present time can be drawn between the Nazi-Soviet non-aggression pact of the 1930s, which ultimately sparked the war, where they had Germany on one side, the Soviets on the other and Poland sat in between, and in their non-aggression pact they carved that country to pieces.

Iran and Syria now have a mutual defense pact. We have seen its ramifications within Lebanon and we are experiencing its ramifications within Iraq itself.

The alternative to seeing the unholy alliance between Syria, Iraq and Iran that are run by terrorist sponsoring states, that are run and shielded by a nuclear powered Iran, is quite simple to grasp.

Over here you have Afghanistan, which is struggling for democracy. Here you have Iraq, which is struggling for democracy. You have the moderate Kingdom of Jordan, you have Egypt, you have Saudi Arabia, which is trying to strive toward reform, and you have Turkey, which is a moderate, a relative concept, but a moderate democracy, Muslim democracy.

If Iraq becomes democratic and Afghanistan becomes democratic, the pressure then is no longer on the people who seek their own liberty within these countries. It becomes a pressure point for Iran and a pressure point for Syria to explain, to have these despots explain within their own nations how they can oppress their citizens and why they do not deserve the type of better life that they have in hopefully a democratic Iraq and a democratic Afghanistan, as they do in Turkey and elsewhere.

This is not going to be easy to achieve, for what we see in Iraq basically is a counterattack. After the initial removal of the Hussein regime, you had infiltrations of insurgent support from Syria, infiltrations of insurgent support from Iran. You had al Qaeda come into Iraq, because they know that if Iraq goes democratic, history could very well, and I believe will, repeat itself.

One of the things we face in the Middle East today is the threat of World War II, of an inherently invidious ideology, jihadist fascism, which in many ways more closely resembles a death cult than any governing philosophy, combined with the approach that won the cold war. I repeat that, we face the threat of World War II, and we are addressing it with the solution of the cold war.

As you recall, what ultimately ended the cold war was when the Berlin Wall fell and Eastern Europe was freed. And it was after freedom swept through the satellite states of Eastern Europe that eventually the Soviet Union collapsed, not from a nuclear exchange or other military exchange with the United States and the West, but from the aspirations of the Russian people themselves for a better life and a life of liberty.

When we look at this map, when you can see an Afghanistan that is democratic and free, when you can see an Iraq that is democratic and free, when you can add that with Turkey, with the Kingdom of Jordan, with the reforms in Egypt, with the reforms in Saudi Arabia, with the successful resolution and triumph of the peaceful Cedar Revolution, what you will then see is serious people demanding to share the lifestyle and the freedoms that are enjoyed by their fellow Muslims in the world.

You will see Iranians, many of whom are under the age of 30, many of whom are not opposed to westernized ideas, or at least pluralism and tolerance, and you will see the Iranian people demanding their freedom. This will never happen if this goes back to being a terrorist state sponsor.

And for those who are rightly concerned that in this period in our Nation's history we could face war without end, I ask you this question: If you disagree with my scenario, with my analysis that a democratic Iraq combined with a democratic Afghanistan will eventually put pressure on Syria and Iran whereby they will collapse from within, if you disagree with that, find me a better solution. Because I assure you that if Iraq goes back to being a state sponsor of terror and Iran gets a nuclear weapon, that scenario is far more likely to produce the war without end than will be the liberation and emancipation of people throughout that region and the demands of Syrians and Iranians for the freedom that we here so often take for granted.

I yield back to the distinguished gentlewoman.

Ms. ROS-LEHTINEN. Thank you, Mr. MCCOTTER. I could not agree more.

The stakes are high. The stakes are high in Iraq. The stakes are high in Afghanistan. But the stakes are even higher and the threat is even worse were we to pull out, were we to set arbitrary deadlines, and were we to tell those Iraqi citizens who three times came out in an incredible show of their love for democracy, under threats of death to them and to their family members were they to vote, those proud days when they wore their purple finger upright and said yes, I was happy to vote.

They have stood up a democracy, through very difficult ethnic, religious and a lot of political divisions that Saddam Hussein, the dictator who ruled for too many years sowed in order to keep himself in power. And now they have got a unified government. Now Saddam Hussein is on trial. Now we have captured so many of those al Qaeda leaders, the successes that we have had in Afghanistan in making sure that the Taliban would not control that beautiful country again. Were we to fail in these efforts, what would we say to those Iraqi families who sacrificed so long and so hard to finally have a democracy?

For those freedom-loving Afghani citizens, for those freedom loving Iraqi citizens, and for the United States' own survival, we have got to make sure we win this war against these jihadist entities.

THE 30-SOMETHING WORKING GROUP: DEMOCRATIC PROPOSALS

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAHUNT. Mr. Speaker, I can take the time of the gentleman from Florida (Mr. MEEK), but I certainly cannot replace the leader of our group which we call the ''30-somethings.'' I happen to be the ''something'' of that 30-something group.

I am sure that the younger members of the group will join me soon, but they are out right now. If they are watching, I hope they come soon to the floor, where we can talk about the problems with our economy, and clearly there are many. But as I sat here listening to the previous speakers, who are members of the House International Relations Committee, I feel compelled to speak to their remarks.

I think the gentlelady who chairs the Middle East Subcommittee spoke about the unified government that now sits in Iraq. Well, her understanding and my understanding of the term ''unified'' I would suggest are irreconcilable.

The Iraqi parliament since it was constituted has been unable to agree on hardly any issue. In fact, they have entered into a particularly fractious moment where the continued existence of the government is in some doubt.

But what I find interesting is the only issue that they have agreed on, and it is important to understand that there is some 275 members of the Iraqi parliament, is a resolution condemning the State of Israel for defending itself.

□ 2100

The language that the Iraqi Parliament used in that resolution was condemning the criminal aggression of the State of Israel in defending itself.

Now, clearly we can have a debate on the relationships in the Middle East where we can have differences and we can educate and inform each other, but to say that there is a unified government in Iraq today is simply inaccurate. It is not true. It is very problematic, and both speakers and their colleagues and friends of mine continue to make references to Iran and how we need to have a strong, democratic Iraq to help us as we attempt to navigate the shoals of the political realities in the Middle East.

But the problem is what is not spoken about, at least in this Chamber, on this night, is the fact of a growing warm relationship between Iraq and Iran, not the United States and Iraq, but Iraq and Iran.

Mr. Speaker, this is irrefutable. There are some in the Iraqi Parliament today who are stridently adversarial to the United States. Moqtada al-Sadr, a Shiite leader, who has at his disposal a militia that is called Ahmadi Army, has 30 members of that 275-member body who are loyal to him. And maybe it has been forgotten, but it was the United States military that sought to apprehend him on the charges of murder some several years ago.

We cannot make it up, Mr. Speaker. We have to speak the truth, the unvarnished truth, and stringing together platitudes about democracy does not cut it, Mr. Speaker.

What is the reality today in Iraq? Well, this photo to my right speaks to that reality. To the far right is the Prime Minister of Iraq, Mr. Maliki, and with him is the President of Iran who spoke yesterday in the United Nations, spoke in the United States in New York at the U.N., who I hear many in this Chamber demonize, and with some cause. He is a Holocaust denier, but who he is shaking hands with, Mr. Speaker? He is shaking hands with the Prime Minister of Iraq.

And by the way, Mr. Speaker, we invited the Prime Minister of Iraq to come and address the United States Congress, which he did right in this very Chamber, and a week or two later he is in Tehran, shaking hands with the President of Iran. Now, that is not the full story, Mr. Speaker. There is more. There is much more.

Now, I am not suggesting that there is an alliance yet between Iraq and Iran, but do not let it go unnoticed that many in the current government in Iraq spent years in exile in Tehran. There are relationships between many of the political figures in both of these countries. Let us not continue to paint this rosy scenario that simply is inaccurate. It is not true. I am not suggesting anyone is intentionally misleading, but these are the facts. This is the picture.

Now, one might say, well, they are neighbors and there has to be some rapport that benefits everybody. I do not necessarily disagree with that; but go back to 1980–1988, they were 8 years at war, Mr. Speaker, a war that took hundreds of thousands of lives on both sides. Iraq and Iran were bitter enemies, and today, Mr. Speaker, we have a handshake; but, like I said, we have much more.

The Iranians, not the Americans, Mr. Speaker, but the Iranians are building an international airport near Najaf, which is a major Shiite city in southern Iraq. Mr. Speaker, the Iranian Government is providing $1 billion worth of credits to the private sector in Iraq.

But this is the cherry on top of the ice cream sundae, Mr. Speaker. Iraq and Iran, which dominates the conversation here in Washington, which is part of the front-page news daily in this country, Iraq and Iran have consummated a bilateral military cooperation agreement, Mr. Speaker. Can anybody explain that? I cannot explain it, Mr. Speaker. I cannot. I cannot figure that out.

But what I do see is the reality of almost 3,000 American soldiers dead in Iraq, in excess of 20,000 wounded, many of whom are severely wounded, whose lives are forever impaired by some permanent disability. I see the expenditure of hundreds of billions of dollars of American taxpayers' hard-earned income in Iraq. And what is the progress that I see, Mr. Speaker? Well, I see the handshake, I see this relationship, and I see a bilateral military cooperation agreement, Mr. Speaker. Can you or somebody from the majority side please explain what that is all about?

I have to tell you, Mr. Speaker, that information came to me from the Congressional Research Service, and Mr. Speaker, realize that that service is a

bipartisan agency, created by Congress to provide Members unvarnished, factual information.

So we stand here on the floor and we talk about how good it is and we are for democracy, but you know what, Mr. Speaker? What kind of democracy are we getting at the cost of thousands of lives of American soldiers and hundreds of billions of dollars from the hard-earned income of the American taxpayer? Is this what we are getting? Does this serve our national interests? I do not know, Mr. Speaker. I do not know. But I have to tell you something. I do not think anybody in this body knows, and that is an indictment, Mr. Speaker, on the wall of this institution because the majority party ought to have insisted, in the course of the exercise of its oversight role and responsibility, on answers to these very simple questions. But oh no, let us ignore them and get up and talk about democracy.

My friend from Michigan, a very erudite, very thoughtful gentleman, has an interesting view of history, is conversant with history, and history gives us context, but to ignore what the reality is on the ground, I see my friend from Florida walked in. I want to welcome him. I know he has had a busy evening. It is good to have Mr. MEEK here finally.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman would yield, it is always a pleasure to join you in doing the 30-Something hour, and since us ''somethings'' are carrying the hour tonight, since we do not have the 30s here, I understand they are en route, but I want to thank you for your dedication to be able to deliver a positive message here in the Congress.

Mr. DELAHUNT. I am not really delivering a positive message. What I am is expressing a concern about the lack of oversight and the lack of accountability or calling to account the actions of this administration by this Republican Congress. We have a right to know. It is a debt that is owed us. It is a debt of blood and hundreds of billions of dollars, Mr. Speaker.

There is a long list of emerging relationships and agreements between these two countries. Iran and Iraq just recently signed a memorandum of understanding, under which pipelines would be constructed to allow Iran to import Iraqi crude oil from Basra. Under the agreement, Iran is to finance the three pipelines that will be built to implement the agreement. Again, this is from a report from the Congressional Research Service dated June 14, 2006. That is before the famous handshake.

To say or suggest that things are going well in Afghanistan, Mr. Speaker, is a disconnect from reality, and the American people deserve the absolute, full truth as to what the reality is.

□ 2115

Mr. Speaker, we had a hearing today in International Relations. Its focus was Afghanistan. It was extremely disturbing, Mr. Speaker, because 5 years later, Afghanistan is heading quickly in the wrong direction.

President Bush says we are winning the war on terror. And I will stipulate not on Iraq, but our invasion of Iraq, which I and every other Members of Congress voted for, was about the war on terror. Well, Mr. Speaker, if we are going to win the war on terror, we need to change Commanders in Chief and have a Congress that will hold these people responsible, because I will tell you something, we are doing everything to lose Afghanistan. It has become a narcostate. In the year 2001, there were 73 tons of opium, which is used to make heroin. This past year, there were 6,100 tons of poppy and opium.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. DELAHUNT, when I came and shared with you the positive message, I mean, when I said the positive message, I wanted to make sure that people understand there are people here in the Congress willing to work in a bipartisan way to make sure that we do the things that we need to do to make sure that the American troops that are on the ground not only in Afghanistan, but in the war in Iraq, that there are Members of Congress who are willing to come to the floor and give voice to those individuals who are there.

Mr. DELAHUNT. If the gentleman would yield for just a minute. I was here listening to several of our colleagues on the other side speak about these various issues, and I just felt the need to put out what the realities are rather than simply talk in terms that are hopeful and optimistic, but in a world apart from what the reality is.

If this administration is sincere, of course it is, about winning the war on terror, there has to be a dramatic change in direction. Listen to this just for one moment, if you would. If you would, Mr. MEEK.

Mr. MEEK of Florida. I have to, Mr. DELAHUNT.

Mr. DELAHUNT. This is in contrast to what was said earlier here on the floor: United States efforts in Afghanistan are failing. Afghanistan faces its highest levels of violence and corruption since its liberation. Drug money continues to finance terrorism. That failure, coupled with the aggressive efforts of the terrorists, threatens to destroy Afghanistan's democracy, a free government that Americans and coalition forces have died to support.

Mr. MEEK, Mr. Speaker, those are not my words. Those are the words of the Chairman of the House International Relations Committee, HENRY HYDE, in a letter that he sent this week to President Bush.

So please don't come down to this floor and paint a rosy picture. We are in trouble. The world is in trouble. And if we are going to win the war on terror, we have got to change direction and develop a strategy that will accomplish that after 5 years. It is 5 years since 9/11, and Afghanistan is back to ground zero.

Mr. MEEK of Florida. Thank you, Mr. DELAHUNT. I think it is important to the point, sir, that the 30-Something Working Group, we come to the floor to share the truth and to share the reality of what is happening here in Congress and what is not happening here in Congress. And I think it is very, very important, very important that we bring the facts to the floor.

As you know, General Abizaid, who is over Central Command and the lead commander in Iraq, said earlier this year that after Iraqi elections, Mr. Speaker, that we would see a downtick in U.S. troops in Iraq, in the war in Iraq.

Because of a lack of a coalition, Mr. Speaker, Iraqis are no longer in the driver's seat as it relates to being able to stand up on behalf of their country. And so because we don't have a coalition, and the second largest coalition in Iraq, Mr. DELAHUNT, is U.S. contractors paid for by U.S. taxpayers.

And I have another example, because I believe there is a war in Iraq, but there is also misunderstanding and deception here as it relates to border security, Mr. DELAHUNT. This is fact, not fiction. And I just want to take 3 minutes to just talk about fact, not fiction, because I know that Mr. RYAN is here, Ms. WASSERMAN SCHULTZ is here, and we need to be able to lay these facts out.

Just today was a story leaked, and tomorrow the Boeing Company will receive what we call the SBInet that will do surveillance on the border between the U.S. and Mexico and also between the U.S. and Canada.

Mr. Speaker, I have to say that we had two other initiatives prior to this one as it relates to surveillance of our borders that spent $426 million, Mr. Speaker, and it was cost overruns and did not meet the contractual agreement that they made with the Department of Homeland Security. Now, this is a $2.5 billion initiative that Boeing will have.

Let's put Boeing aside, because I am not here to talk about Boeing. I am here to talk about the lack of capacity of the Department of Homeland Security and the lack of effort as it relates to the Congress to make sure that we protect our borders.

The 9/11 Commission that I spoke of in detail last week, Mr. Speaker, said that we need 2,000 Border Patrol agents per year; 2,000 Border Patrol agents per year. You thought the President heard that message? Maybe not. You want to talk tough on border security and homeland security, or you just want to talk common sense on border security and homeland security?

The President sent his budget to this Congress because he felt that he could do it, because this Congress, A, doesn't have the will and the desire as it relates to the Republican majority to make sure that we have enough border agents on the border. Now, we can burn

all kinds of Federal jet fuel in the Republican leadership going down to the border talking about, ''Oh, I am here to make sure that we protect our borders, and we want to make sure that things go the way they are supposed to go.'' But the bottom line is, and I think this is important for every Member of Congress to understand, the fact is that 215 border agents were requested by this administration.

On the Democratic side of the aisle, Mr. RYAN, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, Mr. Speaker, we call for 2,000 border agents in line with the bipartisan 9/11 Commission report. Now, $2.5 billion, the Department of Homeland Security and even before they were created legacy agencies that are now in the Department of Homeland Security oversaw the two initiatives prior to this new one, changing the name, but not the oversight.

Now, I am the ranking member on Homeland Security and the Subcommittee on Oversight, Management, and Integration. We have three hearings, Mr. Speaker, and we had those hearings because the inspector general of the Department of Homeland Security said that the money was squandered, 426 million of the U.S. taxpayers' dollars. They had cameras that didn't work. They had cameras in areas where Border Patrol agents could not even respond to watching individuals cross the border because they didn't have enough agents.

On 9/11, combining three shifts of 24-hour shifts on 9/11, there were 250 agents on the border between Canada and the United States of America, 250. Now, we are not talking about all at once, we are talking about three shifts. So I think it is important.

If we are going to talk about what the facts are, and that is what I enjoy about our working group that we have here is that we come to the floor with the facts. We have the will and desire because we have amendment after amendment that shows that here on this side of the aisle that we called for the 2,000 border agents since the 9/11 report was released, that was a book in Barnes and Noble and on Amazon.com and a number, and I encourage Americans to take a look at that, because this Republican majority is not following that. Come to the floor, tough talk, but not backing it up.

And the great frustration of so many Americans as it relates to not only responding, yes, we can go out and link ourselves up and sing ''God Bless America'' out here on the steps of the Capitol, but the real commitment to protecting and having real security that we call for in our plan, HouseDemocrats.gov, anyone can get it, any Members of Congress can get it, of real security is making sure that we scan our containers for nuclear weapons, to make sure that we check air cargo before it goes in. We have passengers and Americans basically taking off everything to get on a plane, but meanwhile the cargo goes in the bottom of the plane unchecked.

The frustration that Mr. DELAHUNT has is the fact that people come down to the floor saying one thing, and it is actually another. It is like me saying, ''Look over there,'' when the action is over here, or the lack thereof.

So I think it is important that we outline these issues. Not the Democratic Caucus, not Mr. RYAN, not Ms. WASSERMAN SCHULTZ, not Mr. DELAHUNT that comes here with this report. We are talking about the inspector general of the Department of Homeland Security that says the Department of Homeland Security doesn't have the management capacity to oversee a contract even smaller than the $2.5 billion contract. So nowadays before the election, Mr. RYAN, the Department of Homeland Security is saying that we have monitors, and that we are going to monitor the movement on the border. How about the apprehension of individuals who are crossing the border? How about having border agents who are able and detention centers that are able to handle the capacity of those individuals who are coming over?

And then we had an amendment on the floor, a bill on the floor, recently saying that we are going to build a double-link fence. I voted against it because it was a joke. We are going to build a double-link fence of 200 miles or so on the border that individuals are crossing; but, better yet, it doesn't appropriate any money to build the fence. You want to talk about the Potomac two-step in the worst way. That is just like me going to my kids and saying, ''Hey, guess what? We are getting ready to go to Walt Disney World, but meanwhile we don't have the gas money to get there.''

I mean, you know, we are making fun of this, but what I am saying is that this is for real. And so we have Members coming to the floor who are representing to not only, Mr. Speaker, you, other Members of the House that we are actually doing something on the majority side, and we are not doing anything but saying we are going to go right, but then going left. I am talking about the Republican majority that is doing that.

So if we are going to be real, if we are going to have real security, Mr. Speaker, that we talk so much about here on this floor on this side of the aisle, if we get the majority of this House, we have the will and the desire to implement the full recommendations of the 9/11 Commission.

You want to respect those families, Ms. WASSERMAN SCHULTZ, that you talked so eloquently about just a couple of days ago here on this floor when you took the opportunity to walk the Members through what they haven't done and what they should do? We want to respect the memory of those individuals, we want to respect those first responders who put their lives on the line, climbed up that building; some lost their lives; some are still living with the aftermath of their heroism. If we want to respect them, then let's do what they said do. And if you are a Republican, Independent, or Democrat, you have to have a problem with the fact that these Members are coming to the floor representing one thing and doing another.

So they can burn all kinds of Federal jet fuel and taxpayers' expense all they want to, Mr. DELAHUNT. And your frustration as it relates to Afghanistan when we had them on the run and now we have commanders, need it be NATO commanders or need it be U.S. commanders, saying we need help. General Abizaid, he had a press conference 48 hours ago, says, no, troop levels won't be coming down; we are going to still have 140,000 troops in the war in Iraq.

□ 2130

We have 147,000 troops right now in the war in Iraq, and we will probably end up having 147,000 troops that are on their fourth and fifth deployments.

Yesterday in Iraq, we lost four marines, leave alone the countless number of Iraqi individuals that are not even wearing a uniform, just trying to make a living, that have lost their lives. We have a policy here in the U.S. Congress of saying, because the President said stay the course, and we have a rubberstamp majority that is not even exercising Article I, section 1 of the U.S. Constitution.

The lack of oversight and the lack of legislative authority, and this is what we get. We get individuals coming to the floor making statements that they know full well are not true on the reality of the appropriation and the reality of the direction of the policy of this country. Follow the President. So shall it be written, so shall it be done. That is not the democracy that the American people woke up early one Tuesday morning to vote for representation here in this House.

Mr. RYAN, as I yield to you, Democrats, Republicans, Independents, Green Party, Reform Party, they voted for representation and we are saying that we have the will and the desire to provide that representation.

Mr. RYAN of Ohio. If you just look at what the gentleman from Florida (Mr. MICA) has said, ''Unfortunately, Congress is not ready to face the reality of the problem.'' He is talking about airline security. That is not us. That is not Democrats saying it. Republicans now are saying it, Newt Gingrich, generals, Republicans, Bill Buckley. I mean, come on, they are all saying this, that they are not addressing the need of the problem.

Mr. DELAHUNT. Before you go any further, I have a quick point to make. I think we should acknowledge, and I would be remiss if we didn't acknowledge that our friend and colleague from Ohio is here tonight playing hurt. He is a real trooper. I understand, and maybe Mr. MEEK can elaborate on this, and yes, bring out the crutches. But last night TIM RYAN and KENDRICK MEEK, along with a bipartisan group of Members of this House, played a football

game against the Capitol Police, and Mr. RYAN went down fairly quickly, I understand.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. He is yielding to me. Mr. RYAN, it is better when someone else talks about your great contribution.

Mr. RYAN of Ohio. I made it to the third quarter.

Mr. MEEK of Florida. Mr. Speaker, even you participated in this fund-raiser. This is very important. This was a fund-raiser to raise money for the police officers who lost their lives here protecting the Capitol, to make sure that their children have an opportunity to go to college and be all that they can be.

Mr. RYAN got caught up into the moment last night. He played quarterback. Made a couple of plays, running the ball, bad knee and all, and ended up hurting his knee. Tonight he comes with not only the will and the desire, but the dedication. He is standing here on one leg with crutches. He is here to deliver the message on behalf of the 30-somethings. We commend your dedication for watching out for not only the American people but those at the U.S. Capitol. We appreciate your sacrifice for being here tonight, standing on a bad leg and trying to recover at the same time.

Mr. DELAHUNT. Mr. MEEK, let me interrupt one more time.

To be serious for a moment, I want to acknowledge both of you for participating. I would add that those who are watching should understand that this is an effort by both Republicans and Democrats for a tremendous cause. The men and women who serve in the Capitol Police, as well as the men and women who serve in this Congress, some of whom are behind us right now, are dedicated professionals. They do an extraordinary job. It is difficult. In the case of those two Capitol Police who were killed, what we can do for their family is something that we all participate in, and we owe a debt of gratitude to them. Great job.

Mr. RYAN of Ohio. If the gentleman would yield, last year we raised $50,000 for a trust fund for the kids of these families. This year we raised $30,000, so there will be $80,000. Hopefully we can raise more in the next couple of years. I am not necessarily saying I will play in the game next year. I will be happy to write a check, but to make sure that there is a trust fund there for all of these kids, I think we should eventually expand it to all of Capitol Police who get killed in the line of duty protecting us and protecting this Capitol. I think it is important.

I didn't really want to bring it up, but our coach for the team is TOM OSBORNE, the former great coach of the University of Nebraska. He was our coach, and I was an old quarterback. So if TOM OSBORNE is my coach, I am going to try to impress him.

Mr. DELAHUNT. And that is the result.

Mr. RYAN of Ohio. This is the result for my trying to impress TOM OSBORNE.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield, this is obviously not a playing field I can participate in terms of the debate or the discussion, given the difference in my stature, and I mean physical stature, versus yours.

But Mr. RYAN, I will point out as your athletic prowess absolutely precedes you, given the baseball performance and now the football performance, perhaps you should become a charitable donor henceforth as opposed to participant on the field.

Mr. RYAN of Ohio. If the gentlewoman would yield, last night's injury has now relegated me to yoga and golf. So I have changed my future. At 33 years old, I am now limited to different forms of yoga and improving my golf game. No basketball. No baseball. In fact, last night Mr. MEEK, as he drove me from the field to the locker room and almost to the hospital, said this morning when he picked me up to take me to the gym, he said, ''I have your spikes in my car.'' And I said, ''You can burn them because I am never going to need them again.''

Ms. WASSERMAN SCHULTZ. But we digress.

It is a pleasure to be here with you. I am happy to yield my usual spot so you can utilize the benefit of the chair.

I want to pick up on some of what Mr. MEEK has been talking about this evening, because for the last 2 weeks or so we have been subjected as Americans to the onslaught of dialogue on the Republican side of the aisle in terms of their view of national security and how it is only through their continued leadership and their continued driving of the agenda and continuing in the direction that they have taken America that we will be able to remain safe.

Yet I find it really interesting, and I have an illustrative chart here that I would like to walk through quickly, that there are people, very prominent people, people who have the expertise, that know that nothing could be further from the truth.

In fact, last Monday, which was the anniversary of September 11, former Governor Tom Kean of New Jersey and former Member of Congress Lee Hamilton, Republican and Democrat, the co-chairs of the 9/11 Commission, issued a blistering analysis that was published in papers across the country, but particularly in the Boston Globe, which is your home paper, Mr. DELAHUNT, that they reiterated that the report card that the 9/11 Commission had given the Congress in December included 10 Cs, 12 Ds and 4 Fs. That was a clarion call last December to the Congress and this Republican leadership.

They were saying look, you are not moving in the right direction. You have an opportunity to change course. You have an opportunity to make a commitment to homeland security and to shoring up our national security; do it. We are the ones that reviewed the gaps, and we recommended to you how we could close those gaps and you have not done it.

Here is what they said last Monday. They said, ''What we argued then is still true now. Americans are safer, but we are not yet safe.'' Then they walked through what still needed to be done. This chart is illustrative of what they talked about in this editorial.

First, they said homeland security dollars must be allocated wisely. They indicated that right now we are not allocating funding on the basis of risks and vulnerabilities. The Republican leadership is actually doing it on an earmark basis. They are giving out little pots of money around the country to make individual Members happy so they can say I brought home some security dollars for my district instead of concentrating on the areas where the real risks and vulnerabilities are.

They went on further and said States and localities need to have emergency response plans and practice them regularly. The problem is, there isn't a creation of State and local response plans going on, and from the moment disaster strikes, all first responders need to know what to do and who is in charge, and that is not happening.

Third, they called on Congress to give first responders a slice of the broadcast spectrum that is ideal for emergency communications. Right now, as you can see, that is not going to happen until 2009. Do you remember the intraoperability and communication that was talked about as the problem that occurred on 9/11 when the firefighters and the police officers and all of the first responders and then the Intelligence Community, FBI and all of the law enforcement agencies, couldn't talk to each other because their systems don't communicate with each other. That still hasn't been fixed, and one of the problems is that the broadcast spectrum is not going to be turned over until 2009.

Number four, there has not been enough progress on information sharing among government agencies. There are still turf fights and gaps in information sharing, especially with State and local authorities. We have to shut off the turf battles, increase information sharing among government agencies, and make sure that these entities can talk to each other.

This can't be about turf anymore. This has to be about making sure that there is a seamless system, that there is a system through which information can flow so that when there is danger that is either imminent or is occurring, there can be the communication that was so absent on 9/11.

Fifth, FBI reform is moving in the right direction, but far too slowly. They said you need to speed up FBI reform, improve FBI technology and analytical capabilities, and lower the workforce turnover. Those things still have not occurred 5 years later.

Six, we have taken a special interest in the Privacy and Civil Liberties Oversight Board which we recommended and the Congress and created, but we have to protect privacy and civil liberties and make sure that they function with oversight with the executive branch.

Clearly, Mr. DELAHUNT and I know better than anybody after our Judiciary meeting today, there isn't any interest in oversight in terms of the Republican leadership in this Congress. They have essentially been willing to cede our legislative authority to the executive branch. It is shocking. I don't know whether they just didn't take the same civics classes as we did or whether they are just so trusting of this Presidency.

Mr. DELAHUNT. If I may offer another theory, another hypothesis. It is about politics. It is about retaining power.

What happened in the Committee on the Judiciary today was on the issue of the detainees. The President has come out with a proposal and that proposal was summarily rejected by three prominent U.S. Senators, all Republican. One was the chairman of the Armed Services Committee, JOHN WARNER; JOHN MCCAIN, who was imprisoned during Vietnam for years, who understood what it means to serve his country in the most dire of circumstances, and exit a hero; and LINDSEY GRAHAM, a lawyer who served in the military as a military lawyer; because they understood that if the President's proposal is accepted, it will put at risk American service personnel.

□ 2145

And what we did today, in effect, was to turn our back and not listen, not just to them, but more than 40 retired generals, admirals, men and women who have served this country, including the former Chief of Staff of the Joint Chiefs, former Secretary of State Colin Powell, who said this is a mistake in a letter endorsing the proposal to JOHN MCCAIN.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. DELAHUNT. Yes.

Mr. RYAN of Ohio. Because it comes down to this, that this is another, I think, election year situation. But the bottom line is this: We opt out of the Geneva Convention, and we make a certain set of rules to say how military prisoners should be treated, just because if we do that, we have a certain set of standards, it does not mean other countries won't opt out, and their standards will be a heck of a lot lower than our standards.

Mr. DELAHUNT. Mr. RYAN, the military doesn't want us to do it.

Mr. RYAN of Ohio. Nobody wants to us to do it.

Mr. DELAHUNT. The military, because they know that the men and women that serve will be put at risk, they will be in danger, that is why they don't want it to happen.

Mr. RYAN of Ohio. JOHN MCCAIN, who has actually been through it, the most well-known political prisoner in our country's history, now, given the modern media today and the kind of fame that he has generated, says that this is a bad thing for our soldiers. This isn't about anyone else's soldiers. This is about our soldiers. You want to be promilitary? You want to be pro-U.S. soldier? You want to protect our soldiers? You failed them on body armor. You failed them with a plan to get out. And now if they get caught, you are going to say there are no international standards in which we can hold these other countries by, and you will be able to do anything you want to the American soldiers.

Now, we know there are rogue people, but there are many people who will get political prisoners and actually abide by the rules. We know there are some that won't. But to go against JOHN MCCAIN and to go against a JAG officer like LINDSEY GRAHAM, and to go against Mr. WARNER, Chair of the Armed Services Committee, who has been in for years.

Mr. DELAHUNT. That is inviting danger for the American soldier, the American service personnel. And by the way, testimony before the Senate by the senior serving JAG advocate said we don't need it.

Mr. RYAN of Ohio. And let's be honest here, Mr. Speaker. This is a joke because this is about 84 percent of America's top national security experts saying we are losing the war in Iraq. This is about all these generals that we have been showing night in and night out saying there is no plan to get out of here, there was a bad plan to get in, there was a bad plan to start with. There was no plan, bad information, bad intelligence, nothing was right. Look back at everything they said about using the oil for reconstruction money, about being greeted as liberators, about all this nonsense that we heard before.

This is an opportunity for this administration, Mr. MEEK, to try to change the subject. And all of a sudden we are talking about a few political prisoners, and it has enormous ramifications.

But the bottom line is this: This administration wants to talk about anything but the war and the economy. They want to change the subject anytime they get a chance to. And now we have got this debate about military prisoners. And I am not saying it is not important, but my God, you have got millions of people living in poverty. You have got seniors whom you are threatening with their Medicare. You have got 40 some million people with no health insurance. You have stagnant wages. You have gas prices going up. You have health care going up. You have tuition going up. You have poverty rates going up. You have got veterans' benefits going down. And you want to talk about this one little sliver to change the subject, and you are coming up with all these new phrases again, ''Islamofascism'' and all this other stuff.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman.

Mr. RYAN of Ohio. Let me finish, Mr. MEEK, because the bottom line is this, here is the cost: $8.4 billion per month, $1.9 billion per week in Iraq, $275 million per day in Iraq, $11.5 million per hour in Iraq. If this is the legacy of the Bush administration, you know what? If I was in the White House, I wouldn't want to talk about this either. I would talk about anything possible other than this fact.

You want to start talking about providing health care for millions of citizens? You want talk about lower tuition costs? You want to talk about investing in alternative energy sources to reduce our dependence on foreign oil? You want to talk about what Mr. MICA wants to do with airline security and port security? We have got the money. We have got the money. But we are spending it in a black hole called Iraq.

Mr. MEEK of Florida. If the gentleman will yield, I am going to have to leave before the hour is over, and I have to take Mr. RYAN since he laid it out in the field last night. But let me say this very quickly. The facts are what the facts are. Some individuals say it is what it is. And the bottom line is we have a rubber-stamp Republican majority.

I do not spend a lot of time, Mr. Speaker, talking about what the White House should have done and what they did do or whatever the case may be because I am a Member of Congress; so by my being elected in the 17th Congressional District, Ms. WASSERMAN SCHULTZ, right next to your district, by the people of South Florida, they federalized me to come to the Congress to do what? Carry out Article I, section 1 of the U.S. Constitution. That means the legislative body has oversight and is the investigative body. We are not doing any of those.

Let me just take a moment. Today we had a number of visitors to the Capitol. The American Cancer Society came to the Capitol. A number of survivors came to the Capitol. They have a walk that is going on right now outside on the Mall near the reflection pool of the Capitol.

I want to commend them for their efforts for coming here to Washington, D.C. I want to also say they have a Wall of Hope out there for those individuals that are survivors and those individuals that have passed on. I know Ms. WASSERMAN SCHULTZ had a joint press conference on breast cancer today. I think it is important that we lift those individuals up because I know that there are Americans who could not make it.

My sister is a breast cancer survivor. I went out with Mr. RYAN this evening to sign the wall for Florida, and I put

my sister's name in. She couldn't be here. I called her and told her that I put her name on the wall. I had an opportunity to sign it.

I know that we in the Congress, all of us, are a part of making sure that we have enough research to be able to look and find ways that either we can prevent cancer from happening, or find medicines and procedures that can take away the issue of cancer. I know there is a commitment by 2015 to eradicate all cancer here in the U.S. So that is very, very important.

I just wanted to lay that out because I know we wanted to all commend them. We have serious issues that we are talking about, but at the same time, Mr. Speaker, we have got to lay out the commitment of those who did come up here.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MEEK. I am glad you touched on that. I lost both my grandmothers to lung cancer, and, unfortunately, in America we all know someone who has been touched by cancer, and it is so incredibly important that Congress redouble its effort and commitment to funding the research so that in our lifetimes as 30-somethings, we can see a cure for not just lung cancer, but cancer of all types in our lifetime and during our congressional careers. So I know we all are committed to that.

Mr. DELAHUNT, I think we are wrapping up. Do you have any additional items to add?

Mr. DELAHUNT. Again, I would say that I think what is being revealed to the American people is that this administration is really driven by politics.

We hear now about immigration and border protection, but for 6 years they have been the majority in this body, they have been the majority in the Senate and have owned the White House, they had an opportunity to vote and to support Democratic proposals which would have strengthened border security. And a comparison, I think, is in order here right now.

The average number of new Border Patrol agents that were added per year during the Clinton administration was 642; during the Bush administration, 411. Immigration fraud cases that were completed in 1995, almost 6,500; in 2003, on the average, 1,300.

And what I find particularly fascinating is those cases that were filed against employers for hiring illegal immigrants, in 1999 there were some 417. In 2004, there were three.

The reality is the resources were never provided to enforce the existing laws that would have served us well, and now we are hearing about border protection. There is no other conclusion that one can reasonably reach other than it is great politics in an election year to energize the so-called base. But it is not fair to the American people on an issue that really needs to be debated in a respectful and civil way and analyzed appropriately.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate once again the opportunity to come before the House of Representatives tonight and bring the latest version of the Official Truth Squad.

You have heard a lot of information over the last hour, much of which, in terms of its tenor and its tone, was the genesis for the Official Truth Squad, because what we as Republican freshmen Members of Congress determined about a year or a little over a year ago was that there was an awful lot of disinformation and misinformation and distortion and demagoguery and division, attempting to divide the Nation in such a way that it did a disservice to everybody. And, Mr. Speaker, you have heard an awful lot of that over the last hour.

We have got some very serious things to talk about tonight, but I wanted to spend a few moments and just try to lower the temperature a little bit, try to decrease the calamity that you have just heard. You have heard a lot of discussion about all sorts of issues, mostly national security issues. You have heard some claims about the 9/11 Commission and how none of the recommendations of the 9/11 Commission have been proposed or adopted by Congress.

But what the Official Truth Squad is all about is about truth. It is about fact. It is about real things. And one of our favorite quotes comes from Senator Daniel Patrick Moynihan, who had just a great quote. He said that everyone is entitled to their own opinion, but nobody is entitled to their own facts. Everyone is entitled to their own opinion, but not their own facts. And that is important, Mr. Speaker, because when you hear all these things, these accusations and incredible distortions that are leveled, very rarely are they ever rooted in fact.

And I am here to give you a few instances of fact, and I just want to spend a few moments to talk about national security and the 9/11 Commission recommendations because the distortions have been phenomenal.

We have on the other side of the aisle, the Democrat side of the aisle, a leader who has said within the last 2 weeks that she didn't believe that the capture of Osama bin Laden would make America any safer. That is a stunning statement from the individual who wants to be third in line to the Presidency, a stunning statement. She has also, as well as so many individuals on the other side have, called for the implementation of the recommendations of the 9/11 Commission. Well, in fact, what they ought to do is look in the mirror or talk to their colleagues, because Capitol Hill Democrats have repeatedly, repeatedly opposed legislation implementing recommendations of the 9/11 Commission that were meant to strengthen America's national security and prevent further terrorist attacks. And I have just got a couple of them here for you, Mr. Speaker, that I would like to share with you.

The 9/11 Commission stated: ''The government has made significant strides in using terrorism finance as an intelligence tool.''

□ 2200

Yet the Democrats voted, 174 of them voted ''no.'' Voted ''no'' for the bill that would allow us to continue to use that kind of intelligence in making certain that we can capture terrorists, find terrorists. ''No.''

The 9/11 Commission recommendation, they call for its adoption and its implementation. We propose it on the floor of the House in a responsible way, in a positive way to try to make America safer, and what do the vast majority of the Democrats on the other side of the aisle do? Vote ''no,'' 174 of them.

The 9/11 Commission says, ''The REAL ID Act has established statute standards for State-issued IDs acceptable for Federal purposes, though State compliance needs to be closely monitored.''

So the REAL ID Act that this House passed that was signed into law with the good work of a Republican House and a Republican Senate and signed by the President, how many folks on the other side of the aisle, our good friends who have just been clamoring for adoption of the 9/11 recommendations, how many supported it? Well, I will tell you that 152, the vast majority of them, voted ''no,'' voted ''no'' on the REAL ID Act.

Again, the 9/11 Commission says, the House and the Senate have taken positive steps, but Secretary Chertoff and his team still report to too many bosses. The House and the Senate Homeland Security Committees should have exclusive jurisdiction over all counterterrorism functions of the Department of Homeland Security.

And when that recommendation of the 9/11 Commission is proposed on the floor of the House, where are our friends on the other side of the aisle who clamor over and over for adoption of these recommendations? The majority of them, 120, vote ''no,'' vote ''no,'' Mr. Speaker.

So as a member of the Official Truth Squad, as an individual who has been frustrated, when I go home and talk to folks, they want us to work together. And I encourage individuals to work together. These are not Republican problems that we have or Democrat problems, they are American problems, they are American challenges.

So I encourage my colleagues on the other side of the aisle to throw fewer stones, throw fewer barbs, be less political. I know it is an election season, and that is fine, but there are real problems and real challenges to solve.

We have real solutions, and we encourage and invite our colleagues on

the other side of the aisle to indeed join us in solving these issues, especially, especially in the area of national security.

Now, Mr. Speaker, I am going to be joined tonight by a number of individuals who want to talk about a very, very serious issue as it relates to not just our Nation, but indeed the world. And that is, again, an attempt to try to lower the temperature, try to lower the pressure points and talk objectively and within reason about the issue of nations, about the issue of religion, about the issue that has grown into a firestorm with the Pope's comments that I believe have been taken out of proportion.

And to open that, I would like to just share a comment from the Pope. And we all know the comments that have been made and how they have been taken most recently. And the quote that I find most instructive from the Pope is this. It says, ''For the careful reader of my text, it is clear that I in no way wanted to make mine the negative words pronounced by the medieval emperor, and their polemical content does not reflect my personal conviction.''

I think that is a powerful statement, Mr. Speaker. Powerful statement. And what the Pope has attempted to do, I believe, is to try to talk within reason about the issue of religion and about the issue of politics, because it is extremely important for us as a world at this stage right now.

The response that has been received, however, has not been as reasoned. And this is a quote from a branch of al Qaeda, and it is troubling, Mr. Speaker, it is troubling, these words. ''We tell the worshiper of the cross, the Pope, that you and that the West will be defeated, as is the case in Iraq and Afghanistan and Chechnya. We shall break the cross and spill the wine. God will help Muslims to conquer Rome. God, enable us to slit their throats and make their money and descendants the bounty of the Mujahadin.''

That is a quote, Mr. Speaker. So I would call on all individuals of goodwill, all Christians, all Jews, all Muslims, all members of any religion around the world to take a deep breath, to take a step back. This kind of verbal assault does nothing to assist us in the world community to solve any of the challenges that we have.

I would point to a comment that was in the L.A. Times where they noted that the Pope paused twice during his speech to remind the audience that he was quoting another individual and departing from his prepared text. The Pope twice reminded the audience that he was quoting someone else, an indication that he was clearly aware of the sensitivity of his comments.

Finally, there was a press communication that was put out by the Vatican that said that the Pope's option in favor of interreligious and intercultural dialogue is equally unequivocal. In his meeting with representatives of the Muslim communities in Cologne, Germany, on August 20, 2005, he said that such dialogue between Christians and Muslim ''cannot be reduced to an optional extra. The lessons of the past must help us to avoid repeating the same mistakes. We must seek paths of reconciliation and learn to live with respect for each other's identity.''

So it is in that context, Mr. Speaker, that we open the discussion tonight with some good colleagues and good friends who are reasoned in their discussion and their perspective on this issue.

Mr. Speaker, I am pleased to be joined by many of them this evening. I wish to introduce and yield to the gentlewoman from Pennsylvania (Ms. HART), who I, as just a freshman member of the Republican Conference, have found to be a stalwart individual, individual who truly speaks the truth, and an individual whom I know her heart is good. I yield to my good friend, Congresswoman HART from Pennsylvania.

Ms. HART. Mr. Speaker, I thank the gentleman for yielding and for his comments. You know, I am pleased that we have joined the Official Truth Squad, because the main reason why several of us wanted to be on the floor tonight was to further discuss and hopefully enlighten each other and anybody who may be listening about what Pope Benedict was really talking about in Regensburg.

Unfortunately, there was a significant amount of negative response and I believe inaccurate characterizations of the speech, or actually the class he was teaching as Regensburg, a university where he taught.

And the discussion was regarding many things, but I think his focus was a hopefulness that faith and reason should always be joined together. Many of us have been speaking of this to each other, kind of challenging each other in our thought processes about why the reaction to his speech was so negative, and, in fact, why he was accused of being critical of Islam in the comments that he cited that were made in the Middle Ages during a conversation, an intellectual conversation, between a Christian and a Muslim about their faith, when at the time they could speak, I guess, honestly and peacefully to each other.

Pope Benedict discussed it, and I think it is important that his actual words be cited. I know that Congressman MURPHY wants to say a few things about that, but I want to open with the passage that so many people have been decrying. He said, ''Show me just what Mohammed brought that was new.''

Now, this is a quote. This is not the Pope's words. He is quoting from a Byzantine emperor, Manuel II Palaeologus, and his discussion with a man they called an educated Persian on the subject of Christianity and Islam.

And the quote from the Byzantine Emperor was, ''Show me just what Mohammed brought that was new, and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached.''

The emperor goes on to explain in detail the reasons why spreading the faith through violence is something unreasonable. Violence is incompatible with the nature of God and the nature of the soul.

It does not end there, however. The statement is, ''God is not pleased by blood, and not acting reasonably is contrary to God's nature. Faith is born of the soul, not the body. Whoever would lead someone to faith needs the ability to speak well and reason properly without violence and threats. To convince a reasonable soul, one does not need a strong arm or weapons of any kind or any other means of threatening a person with death.''

Mr. PRICE of Georgia. Mr. Speaker, I think it is extremely important that we appreciate that those were not the Pope's words, correct?

Ms. HART. Mr. Speaker, he was quoting as an example of a discussion between two educated people of different faiths.

Mr. PRICE of Georgia. Mr. Speaker, I think that is incredibly important. I do not think we can repeat that often enough, given the response that has been seen. These were not the Pope's words. He was using this quote from 600 years ago as an instructive tool.

I yield.

Ms. HART. I thank the gentleman.

Yes. I mean, his goal was to challenge those faiths today, not just Christians, not just Jews, not just those of the Islamic faith, not just anyone in particular, but everyone to be challenged, to always include together in their thoughts and their discussion and discourse with others, sure their faith as a basis, but reason as well.

And I believe today, unfortunately, much of the discourse, and certainly the response, was completely inappropriate to what the Pope was teaching that day in Regensburg; was exactly, unfortunately, an illustration of a radical, really, faith without reason.

In fact, it was illustrated as without reason in the reaction that we saw, that was reported in the news, much of which was reported as being a response to what the Pope said; you know, threats on lives, threats on the Pope's life, unfortunately a murder of an Italian nun, and basically a demand that the Pope apologize.

Now, clearly he did apologize for the reaction to his words, but I believe that he had hoped and expected that his words would stand as stated. That it is a call to all people of all faiths to enter a discourse; do not abandon your faith, but bring along with it the reason and the goal of being peaceful-minded and having the goal of getting along with those of other faiths as the two gentlemen did who he cited in his quote.

I would be interested in yielding to Mr. MURPHY, if that is all right with you, Mr. PRICE?

Mr. PRICE of Georgia. Absolutely. I appreciate so much the importance of connecting faith and reason, because I think that is what the Pope has challenged all of us to do is to reflect upon our own faith.

Clearly we are in a point in this world now where there are individuals who are not desirous of joining faith and reason together. And so I think we ought to be commending the Pope for bringing forward this incredibly important issue that will allow us, should we be able to navigate these waters well, that will allow us to continue to survive in a world at peace.

Ms. HART. Hopefully, if I may move us in the direction of a discourse without threats of violence, without acts of violence, and toward the goal that all of these leaders profess to have, at least most of them, which is peace.

Mr. PRICE of Georgia. Which is, in fact, the end point in the goal of all of the great religions.

Ms. HART. That is right.

□ 2215

Mr. PRICE of Georgia. I welcome my good friend from Pennsylvania, as well, Dr. MURPHY, joining us this evening. I look forward to his comments.

Mr. MURPHY. Thank you.

I thank the gentleman for yielding and the gentlewoman from Pennsylvania, also, to spend some time on some of the important points in our world today. We are so very deeply concerned that throughout our world and really throughout the history of humankind, so many people have lost their lives and blood has been shed and cities have been burned and armies have been massed, unfortunately, in the name of religion. It has sometimes and very frequently distorted its goals.

I wanted to start off by going back to some of the speech that Pope Benedict gave. In a sentence that followed his quote under question again, where he is continuing his quote about the emperor and saying, The emperor, after having expressed himself so forcefully, goes on to explain in detail the reasons why spreading the faith through violence is something unreasonable. Violence is incompatible with the nature of God and the nature of the soul. ''God,'' he says, ''is not pleased by blood, and not acting reasonably is contrary to God's nature. Faith is born of the soul, not the body. Whoever would lead someone to faith needs the ability to speak well and to reason properly without violence and threats. To convince a reasonable soul, one does not need a strong arm, or weapons of any kind, or any other means of threatening a person with death.''

As I read this, I am also struck by some of the similarity with an article about religious tolerance in Islam. There are several quotes which I need to read into the record, too, to talk about some things we need to understand as Americans and the world needs to understand. Our nation, predominantly a Christian nation and one that is founded on many of those principles and very much a part of our history, our Constitution and our laws, there is so much we need to learn. I say these things not in any kind of way of being conciliatory but a way of saying we need to approach things with understanding and not the violence which is occurring around the world. It is so disturbing to see churches burned, to see a nun shot, to see calls and crying out for assassinations. This is not the way to seek peace.

Let me read here from this article on religious intolerance in Islam about piety, where the author, Dr. Abdullah M. Khouj, writes:

Piety eliminates any type of racial, social or national discrimination. Religious discrimination is completely incompatible with Islam. Islam was revealed in a part of the world and at a time when the majority of people were polytheists. Islam came and showed people the need to believe in one God as the only way to understand themselves and to improve their lives. Allah confirmed to the prophet that we must believe all previous messengers and that we must reach a level of understanding with other religions. He says:

''Say ye: 'We believe in God and the revelation given to us, and to Abraham, Ishmael, Isaac, Jacob and the tribes, and that given to Moses and Jesus, and that given to all prophets from their Lord: We make no difference between one and another of them: And we bow to God in Islam.'''

The author goes on to say:

And when a Muslim discusses religion with a non-Muslim, Allah enjoins us to speak with reason and good manners.

Again he continues:

''And dispute ye not with the People of the Book, except with means better than mere disputation, unless it be with those of them who inflict wrong and injury: But say, 'We believe in the revelation which has come down to us and that which came down to you. Our God and your God is one; and it is to him we bow in Islam.'''

Again the author continues:

Indeed, Allah requires us to ensure that religious discussion never be allowed to become violent.

Finally he quotes:

''Let there be no compulsion in religion. Truth stands out clear from error. Whoever rejects evil and believes in God hath grasped the most trustworthy hand-hold that never breaks. And God heareth and knoweth all things.''

As I read those words that have come from the Islamic Center, I am struck that really throughout history, so many faiths and governments have dealt with religious conflict. Early this evening, in fact, I was meeting with folks from Northern Ireland, from Ireland and the United Kingdom who have themselves been dealing with a conflict which has gone on more predominantly for the last few decades but really for centuries of conflicts between Catholics and Protestants/Christians in Northern Ireland. Much blood has been shed. There have been revolutions. There has been a peace agreement which has been in place since 1998 but a government is not yet set. It is true these things we have to remember, that when people have religious intolerance and wars and bloodshed ensues, it is of terrible consequence.

One of the reasons we are here today is to say that we are are not here to support any kind of intolerance. We are here to call the world to do what it should do in terms of those principles of religious freedom which are so important for bringing peace to the world.

Here let me call upon something that George Washington said. He said, back in 1792, ''Of all animosities which have existed among mankind, those which are caused by difference of sentiments in religion appear to be most inveterate and distressing and ought most to be deprecated. I was in hopes that the enlightened and liberal policy which has marked the present age would at least have reconciled Christians of every denomination so far that we should never again see the religious disputes carried to such a pitch as to endanger the peace of society.''

He goes to say, in 1775:

''As the contempt of the religion of a country by ridiculing any of its ceremonies or affronting its ministers or votaries has ever been deeply resented, you are to be particularly careful to restrain every officer from such imprudence and folly and to punish any and every instance of it,'' he was saying to Benedict Arnold.

''On the other hand,'' Washington continues, ''as far as lies in your power, you are to protect and support the free exercise of religion of the country and the undisturbed enjoyment of the rights of conscience in religious matters with your utmost influence and authority.''

It would seem to me at that time, as Washington has said, as so many countries have dealt with these issues, that what we need to have is not more violence, not more accusations, not more calls for assassinations and murders and burnings, not more continuation of war, hiding behind these with some extremists who have themselves captured or are hiding behind some aspects of faith, but understand that we are in a world that can little tolerate these burnings, these assassinations, these murders but on one which really must call for an interfaith dialogue, of patience, of understanding; truly seeing what the words are and not using them as some sort of vehicle for more incendiary language.

There is so much that we need to use and perhaps, in the Pope's words, those should really be a stepping-off point to continue this dialogue, not to continue on with this violence which we are seeing. The world can little afford more war. As I watched also the comments of the United Nations today from leaders to continue these comments, this is

not the way the world should be operating. This is not the way the U.N. should be operating. My hope is that every American of every faith, that every man or woman of the cloth of every faith, not only here in the United States but throughout the world, sees this as an opportunity to be called upon by their Maker to speak out and say that if there is any hope for us in this world, if there is any hope for the faiths of which we adhere, that this is the time above all times when truth and dialogue are needed to discuss things rather than swords.

Mr. PRICE of Georgia. What a wonderful picture you paint. I thank you so much for those remarkable words. It is not often that we get the opportunity here in Congress to talk about these overarching issues and matters that come before us. And what a beautiful quote you read from the father of our country, George Washington, to talk about conscience and to talk about religious liberty and religious freedom. If ever there was a nation that was founded upon the principle of religious tolerance, I would suspect that it is indeed the United States of America. And maybe it is this discussion tonight that begins that call to individuals truly across America and around the world to enter into that dialogue that you talk about, because it is so extremely important that we turn away from the sword, that we move toward a path of discussion and dialogue and of joining together faith and reason so that we can walk together in peace as opposed to challenge each other to arms which was so distressing, as you mentioned, to see at the United Nations today. I was so distressed to see so many of the comments that were made there.

We are joined as well by my dear friend and colleague in the freshman class, Mr. FORTENBERRY from Nebraska, who is a man of deep faith, I know, and a dear friend. I look forward to your comments on our discussion this evening.

Mr. FORTENBERRY. I thank the gentleman from Georgia for coordinating tonight's discussion, and I thank the gentleman from Pennsylvania as well for his beautiful insights that he read that, as you so well said, have helped us create an opportunity not just tonight but through the events of the day, the difficult tensions, nonetheless, maybe there is a moment here which will allow us to explore, to unpack the inextricable link between faith and reason.

I would like to tell a story, though, that might augment some of these reflections. As a much younger man, I spent a considerable amount of time in the Middle East and I was in a country that was predominantly Moslem and was being hosted by a Moslem family who were extraordinarily generous to me in welcoming me into their home. They lived in an oasis area that was just rich in agricultural production. Their neighbor was a Christian man. My host made a point to introduce me to him, knowing of my own faith tradition. He very humbly showed me, because I did not understand the language, the nature of their community, the nature of the way they lived. If I recall correctly, he took his Christian neighbor's hand, bowed down and gave it a kiss to show again the unity, in spite of the distinctions that are their faith tradition, the ability to live next to one another out of respect and humility, out of respect perhaps for a higher good, a higher calling to be a member of the human family. And perhaps again what has already been discussed tonight in terms of the Pope's comments, it gives us an opportunity to explore that beautiful wedding of faith and reason as it flows out of the very nature of the divine.

If you recall, though, the Pope's very first writing, his first encyclical, was Deus Caritas Est, God is Love. If I could read some reflections on that, they are these:

''The Holy Father has already made clear in Deus Caritas Est that love of our neighbor is not primarily a government project, that justice is not enough, and often is not even a beginning. We simply cannot just talk of faith and justice without beginning and ending in charity and the reasons for it.'' In other words, the reasonableness of acting in faith or acting out faith in love and the unreasonableness or the irrationality of imposing the faith, particularly, or enforcing a faith particularly through violence. I think again the opportunity to unpack that discussion tonight is extraordinary.

I appreciate the gentleman's allowing me a little bits of time to speak.

Mr. PRICE of Georgia. I thank the gentleman so much from Nebraska for those comments and for that experience.

I think that we can all hearken back to those times in our lives when we shared those experiences with individuals of a different faith and recognize when you get right down to it, the core of each of the great religions in this world is the ability or the call to live together in peace. I think that is what the Pope was attempting to move us as a world in the direction of discussing that.

I yield to my good friend from Pennsylvania.

Ms. HART. I thank the gentleman from Georgia and also want to reflect for a moment on the statement of the gentleman from Nebraska regarding the Pope's statement and also what the goal was, a reflection by a Father James Schall.

Mr. FORTENBERRY. If the gentlewoman will yield, thank you for quoting the source. I didn't say that earlier.

Ms. HART. Which both he and I have read, was an outstanding analysis of the speech that the Pope made. After he cited what the Holy Father had said in the Deus Caritas Est, in the statement of Love Thy Neighbor, the analysis goes on to say that this speech, after that, was his second shot of trying to get us all to realize what is wrong with our current world, with the state of our current world and the state of mind of our current world. According to Father Schall, these shots are designed to do what all good intellectual battle does, namely, to make it possible for us to see again what is true and to live it.

□ 2230

My colleague from Nebraska's real-life experience that shows that many people do live it and that those are the examples that we need to see more of. Unfortunately, our news carries with it from day-to-day stories of violence that those carrying it out carry out in the name of God, Allah, or the name of their faith.

Congressman MURPHY reflected on the problems in Northern Ireland, again, violence carried out often in the name of faith. It is such a misuse of the teachings in the Old Testament, in the New Testament, and what most people would accept as a, I would say, progressive interpretation of the Koran, that that is not encouraged. What is encouraged is this peaceful dialogue. What is encouraged is this goal of us finding a way towards peace.

The analysis by many in the days since the Pope's speech at Regensburg I think are fortunately giving a second look, after the unfortunate analysis in the New York Times which criticized him for his words. Phillip Blond from the International Herald Tribune made a statement that I think is extremely poignant and to the point. He said, ''Secular reason as value free and religiously neutral is meant to police interactions.'' Unfortunately, it really doesn't always work for us.

He states, ''Little wonder then that religious people are so unable to interact about what is most crucial to them. Pope Benedict wants to change this. He wishes to restore the last time the great faiths talked to each other when he cited the High Middle Ages, when faith and reason were not separated and Christians could criticize Islamic conceptions of God and Muslims could do likewise. His address was intended to inaugurate an authentic theological engagement between the faiths. That this has been so misunderstood only stresses the urgency of this application.''

I think those are the telling words we must take to heart here in the United States, in the Middle East, in Europe, throughout the world, as we seek to solve the serious problems we face: Nuclear arms in the hands of Iran, the wars that we face on extremists in Afghanistan, in Iraq, the challenges we face in our own country where people are not willing to engage and discuss the truth on a level of honesty. It is a challenge to all of us.

I am very pleased that we are taking the opportunity tonight to really analyze it a little bit more, to understand it a little bit more.

I yield back to the gentleman.

Mr. MURPHY. If I may ask the gentleman to yield to me for a moment, I appreciate that. I want to follow up with some things that my colleague from Pennsylvania was saying as part of this.

Again it is important as our words are heard, my colleagues and Mr. Speaker, that we are not standing here in a conciliatory posture. This is not a matter of asking people to surrender their beliefs or their strength or undercut that which is the basis of our Constitution. It is in fact something that strengthens it.

An article that was written in Time Magazine that just appeared commented here about an analysis of things that Pope Benedict said. It is important to note that this article, by Jeff Israely, said that ''Pope Benedict spoke about the need for the West.'' He was saying ''His questions are not reserved for the Islamic world, as he has done before. Benedict spoke about the need for the West, especially Europe, to reverse its tendency towards godless secularism. He believes that the gift of reason that he cherishes in Christianity has been warped by the West into an absolutist doctrine and that, he believes, prevents the opening of a productive channel for dialogue with a more faithful Islamic society. Reason and faith, he insists, must come together in a new way.''

This is so important for where we are in this crossroads of the world. When I listened today to the President of Iran and the President of Venezuela, or listening to these incendiary words, calling out more criticism and calls for more violence among so many, and when these are underscored and peppered by comments that are meant to provoke violence on the basis of faith, this is the very thing that I believe that the Pope was trying to prevent. Unfortunately, his words were distorted, misquoted, and, in some cases, not quoted fully at all. That is in part why we are here tonight to talk about it in more detail.

Our role here as Members of Congress is punctuated and exentuated by that of which when we took our oath of office to uphold the Constitution of the United States, I remind us all that here in the very Preamble of the Constitution, where we are here to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense and promote the general welfare, here is where it is important to say that we are calling for reason and dialogue as it comes to questions of faith, and that should be something we should all agree to.

But we must also recognize that we cannot give in to those who continue to threaten violence, who would attack, would kill and do anything in that manner. We will continue to defend those principles of our Nation.

But it is something that we are so keenly aware of, because we have struggled with this as a nation. One of the reasons in our own Bill of Rights we have freedom of speech, which was included, and that itself could not have been part of the initial Constitution in 1787, we recall. They couldn't even agree how to put that in. That required another Constitutional amendment that they agreed to and didn't get in for a couple years when the States had to ratify those amendments.

This was the time when George Washington was also trying to keep our Nation together as its first President. But he had here, and this is another quote from 1783, at that time he said, ''I now make it my earnest prayer, that God would have you, and the State over which you preside, in his holy protection, that he would incline the hearts of the Citizens to cultivate a spirit of subordination and obedience to Government, to entertain a brotherly affection and love for one another, for their fellow Citizens of the United States at large, and particularly for their brethren who have served in the field, and finally, he would most graciously be pleased to dispose us all, to do Justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind which were the Characteristics of the Divine Author of our blessed Religion, and without a humble imitation of whose example in these things we can never hope to be a happy Nation.''

Indeed it is our own Nation which has struggled with issues of religious freedom, freedom of the press, freedom of the person, habeas corpus, all of those things which are part of it. We have not done those struggles without bloodshed. We have faced our own wars here, our own problems, our own riots, our own violence. And as we reflect upon those, that is perhaps why tonight we are particularly motivated to say these aspects of continuing to take things out of context, to misrepresent them and to call upon more violence, simply have to stop and the strength of our Nation and people must stand behind them.

Let me also add this, as I have talked to citizens in my district since these comments were made and watched the reactions. It is in many ways to serve as a wake-up call for all of us, that there are those factions, and I do not believe for one second these are the beliefs of all Muslims, but there are those factions who use this as an excuse to an attack the West, use it as an excuse to attack those who are Christians or Jews or even other Muslims.

Those things cannot be tolerated by anybody in the world. It is unfortunate, and yet I hope it is only a temporary thing and it is fixed soon. The U.N. has been silent on those principle. And I would hope in the midst of all this other vituperative rhetoric that has taken place in the U.N. today and continues around the world, that leaders of nations, leaders of faith, will speak out and say this is not the way we should operate as democracies and as a people who want to live together in peace.

Mr. PRICE of Georgia. I thank you so much. The silence truly has been deafening, and it is disappointing and it is disconcerting. But as a Christian, but a non-Catholic, I have struggled and attempted to find folks who have a perspective on what has occurred over the past number of days, and there are a couple individuals that I find that have given some hope. Some people have called back through history and brought my attention back to the fact that religions can grow, that spirituality can grow.

There is a quote that I would like to share before I yield again from Michael Potemra, who said, ''The Koran is one of the loveliest books ever written, a distillation of monotheism that is full of spiritual wisdom, and I never fail to profit from the reading of it. But the global mainstream of Koran interpretation stresses passages that are harmful and slights those that are irenic. The Pope's words approached without quite touching this unpleasant truth. As a result of the current riots, there will be even more Western voices calling for 'a clash of civilizations against Islam itself.' Before we decide that Islam cannot be saved from its darker side, we should call to mind Christian history. Less than 150 years ago, Pope Pius IX was still formally condemning freedom of religion as a heretical notion, and John Calvin, the spiritual progenitor of the theology of America's Founding Fathers, ran a cruel theocracy in Geneva that, among other things, executed the theologian Servetus for his heresy.''

I might not agree with all of that. However, I think it is important to appreciate his conclusion, and that is that ''religions acted on by the spirit can change and our Muslim brothers and sisters needs our prayers and they need us to support the forces among them that are resisting the lure of religious hatred.''

That ends the quote. I would be happy to yield to my good friend from Nebraska.

Mr. FORTENBERRY. I would like to thank the gentleman from Georgia. I would like to return to some of the commentary that the gentleman from Pennsylvania made, because in our founding documents, in another of our founding documents, the Declaration of Independence, here are the words. ''We hold these truths to be self-evident, that all men are created equal, and are endowed by their creator with certain inalienable rights, and among these are life, liberty and the pursuit of happiness.''

In other words, the founding document in a certain sense separated the institution of church and state, yet at the same time affirmed the transcended values, the transcended ideals that make democratic politics possible.

Frankly we are at a crossroads, because I think for the world to progress in the name of civil reform, in the name of civilization, we have to recognize this fundamental principle, that

every person has inherent dignity and rights. That is the foundation of an order that can then be built upon justice and in charity.

That is what we are facing worldwide. It is so essential that those of us who have been given the gift of stabilized societies, who have lived with the blessings of that philosophical context, help others who are reaching out as well for civil society and to build up the institutions that can promote that very principle, that every person has inherent dignity and rights.

This is the crossroads that we face I think in the world today, because all of civilization hinges upon that key principle. We have had to work that out in our country. It has been imperfect. We have fought. It is not perfect today. And yet at the same time, this has spread beyond our shores, this idea, because of the transnationalism that has now occurred, because of the advances in communications, in technology and transportation have caused the world to shrink very, very rapidly. So we have an opportunity to rethink some of the foundations on which the very order is built.

So, again, this is an opportunity to explore it a little more deeply, some of our own history, some of the goodness embedded in our own history and perhaps what other people are longing and reaching out for.

Mr. PRICE of Georgia. I appreciate those comments. We have been joined by some others.

I yield to my good friend from Pennsylvania for their introduction.

Ms. HART. I thank the gentleman for yielding. I am pleased we have been joined by two more of our colleagues. I wanted to wrap up my points if I may.

Is this the most important thing that we need to learn, and not just us standing here when I say we, I mean everyone who is hopefully going to be part of a dialogue among the faiths toward hopefully a more peaceful world, is something better than what we see at the typical interfaith meeting or the typical interfaith discussion, something beyond we will be nice to each other for an hour and then we will go home. We need to build real understanding and real respect for each other and for each other's rights to be here.

For example, the discourse that we have been hearing that denies Israel's right to exist cannot exist in a discussion that is aimed toward peace. I would like to quote an editorial from the Wall Street Journal from a couple of days ago. ''Everyone at the table must reject the irrationality of religiously motivated violence.'' It goes on to say, ''The Pope wasn't condemning Islam. He is inviting it to join, rather than reject, the modern world.''

□ 2245

I would like to turn it over if I may to my colleague from Michigan.

Mr. PRICE of Georgia. We welcome the gentleman from Michigan (Mr. MCCOTTER) to this discussion, an individual who has great wisdom, and we look forward to your comments.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from Georgia for confusing me with someone else, but in all seriousness, as someone with a very pluralistic district, who myself have many friends in the Muslim community, I wish to join the number of voices that are echoing the call for dialogue between all of the great religions.

But I think we would be remiss if we missed a simple intelligible fact, as if one of the fundamental dialogues that must occur is within the Muslim community itself, both here and home.

While conversation amongst the religions is always very healthy, we face a dire situation in the Muslim community where there are those who are bent on the death and destruction not only of non-Muslims but upon Muslims themselves.

So I would ask my Muslim friends to engage in that dialogue amongst their co-religionists because, in the final analysis, I, as an outsider, in my own mind, in my own heart, can think of no truer definition of an infidel than someone who claims to be a Muslim, killing their fellow Muslims in the name of Allah.

Mr. PRICE of Georgia. I thank the gentleman for his comments and appropriate perspective and call once again for dialogue which I think is the underlying message that we would deliver this evening, and that is, that faith must be connected to reason and that dialogue between peoples is what will bring us to a peaceful solution.

I welcome my good friend, the honorable gentleman from Pennsylvania (Mr. ENGLISH), once again great friends from Pennsylvania joining us tonight.

Mr. ENGLISH. Mr. Speaker, I want to thank the gentleman for an opportunity to share, the opportunity to comment on I think on what has been a very important moment.

It is a sobering sign of the times, in my view, that a papal speech that was meant to address the harmony between faith and reason and deplore the idea of religious violence is contradictory to the nature of God would inspire demonstrations and violence in a large cross-section of the Islamic world.

The angry reaction of some Muslim leaders and politicians to the September 12 academic lecture by Pope Benedict XVI in Germany has disturbed Catholics and non-Catholics alike and raised many questions about the possibilities of honest dialogue between Islam and the non-Islamic world, particularly in a world of 15 second sound bites.

The Holy Father's lecture was not intended obviously to be a critique, let alone a criticism, of Islam. It was instead a very esoteric discussion of three different views on the nature of knowledge, particularly the knowledge of God. The pope used a quote by the late Byzantine emperor, not a Catholic, Manuel II Paleologus, regarding Islamic teachings on holy war and the command to spread the faith by the sword, as a starting point of his discussion.

The basic thrust of the Pontiff's remarks were that Christian theology derives from Hellenic roots that view God as the embodiment of reason and is, therefore, bound by reason because to be otherwise would be contrary to his own nature. He contrasts Christian theology with a strain of Islamic thought which, in the Holy Father's description, posits that God transcends reason and, therefore, is not bound by any restrictions whatsoever. He also contrasts Christian theology with the evolving viewpoint that reason needs no embodiment, that it stands outside of any form of divine authorship and views Christ as merely an inspired moral philosopher rather than as the Logos, the embodiment and author of reason and the creator of the physical world.

A careful reading of the pope's remarks quickly reveals that he spends more time describing the dehellenisation of Christian theology than discussing Islamic theology and never at any point disparaged or insulted Islam. In fact, he specifically describes the emperor's remarks as brusque and is astounded by the quality. At no point does the pontiff endorse the emperor's remarks or make them his own.

Mr. Speaker, there are three points that need to be made about the extreme reaction of the pope's quotation of the Byzantine emperor.

First, the current turmoil is in large part the fault of those in both the West and the East who have misrepresented the pope's words and the pope's intent. In the West, the news media has done a spectacularly poor job of reporting on the talk and putting it in context. When the pope apologized for the upset that his words caused, Jim Lehrer of PBS' Lehrer News Hour said the apology ''stopped short of retracting his statement,'' as if the pope had made the emperor's words his own.

The persistent misreporting of the controversial quote as the words of the pope himself was evident also in the demands by Muslim leaders for a papal apology. From Turkey to Iraq to Iran to the West Bank, many leaders and politicians have exploited the controversy to suit their own ends. This kind of debased manipulation of religious sensibilities for demagogic gain should be condemned by moderate Muslim leaders in the West.

Second, both Christianity and Islam needs to come to terms with their historic mistakes and excesses. Christianity has much to answer for in its history, including inquisitions, pogroms, forced conversions and holy wars which have left scars that have yet to fully heal. Nevertheless, Islam is not without its own transgressions. From its 7th century destruction of Christian churches in north Africa to its repeated invasions of Christian Europe,

Islam has a long history of conquest. Indeed, Christendom's Crusades need to be understood within the context of Islam's assaults on the Byzantine Empire and the continued threats to Europe.

Mr. Speaker, if only Muslims are allowed to express historical outrage and only Christians are required to apologize for past wrongs, there will be no chance of a deep historical and cultural dialogue. More importantly, experience demonstrates that while we may learn from history, we must put past offenses behind us if we are ever to hope to live in peace. Conflicting sects and ethnic groups from Northern Ireland to South Africa recognize that demanding Draconian justice for intergenerational grievances leads only to prolonged conflict and have chosen instead to concentrate on building a better future for their children. The Christian and Islamic worlds can and must do the same.

Third and finally, this particular controversy underscores the importance of the pope's call for a dialogue based on faith and reason. Even religions as different in their conceptions of God as Christianity and Islam must find ways to engage politically, culturally and, over time, theologically. My home State, Mr. Speaker, was founded by William Penn, a refugee of an oppressed political minority who created an environment where sects could live together and exchange views and have mutual respect and even admiration. Voltaire wrote at the time that Pennsylvania had the freest air on earth. Pope Benedict's commitment to this kind of genuine dialogue is clear.

Despite the fact that Pope Benedict never intended any offense, the pontiff has repeatedly expressed regret at the misinterpretation and misunderstanding of his remarks on Islam. He has expressed deep respect for the faith of Muslims.

Speaking at the September 21 general audience in St. Peter's Square in front of more than 40,000 people, the pope noted from his recent trip to Bavaria and told his audience, ''This quotation, unfortunately, has lent itself to misunderstanding.''

I think we can take him at his word. I think in my view we can let this matter die, and we should use it as a starting point for a genuine dialogue between the Christian West and those of us in the West who want to see a liberal society and also Islam.

Thank you, Mr. Speaker, for the opportunity to comment on this recent turn of events.

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Pennsylvania for joining us this evening and for those wonderful, wonderful words of wisdom.

We have just a very few short moments left. In closing, let me just thank my good friend also from Pennsylvania Congresswoman HART who truly organized this activity this evening. I think this has been a remarkable discussion. It has been a lofty discussion. It truly has been a privilege to come to the floor, and the privilege of service is indeed the privilege of leadership.

I guess if I were to summarize I would say that what we call our colleagues to this evening is, in fact, not just our colleagues, but all Members of the civilized world, is to an appreciation that faith and reason go hand-in-hand and that dialogue is what is absolutely necessary if we are to solve the remarkable challenges that we have as a diverse world.

Mr. Speaker, we live in a glorious and a wonderful Nation. It is a Nation of religious liberty. It is a Nation that continues to be a beacon of hope and a vessel of liberty truly to the world. The opportunity that we have here is remarkable in order to initiate that new dialogue, and it is a privilege to come to the floor Mr. Speaker.

If I may, I want to call on you and I ask all of our colleagues and all of the individuals watching in this time, in this very, very challenging time of an election season here in the United States, that the comments that you have heard before we began our discussion 59 minutes ago and the comments you are about to hear are most likely one of division, of disinformation and of misinformation. I challenge my colleagues on the other side of the aisle to raise the level of rhetoric, raise the level of discussion and debate in this body so that we may indeed join together and solve the remarkable challenges that we have as a Nation.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is again a pleasure to be on the floor this evening with the 30-Something Working Group, and my colleague Mr. MEEK my will be joining me in a few short minutes.

But I say to my good friend from Georgia who has just issued a call to raise the tone of the dialogue, I think the Official Truth Squad would do well to engage in a little truth and acknowledge that it is they who have engaged in the vicious rhetoric that has gone back and forth for the last dozen or so years that they have controlled this chamber, and that the direction that they have moved this country in has given us neither faith nor reason to believe that this country will be able to be put on the right track unless we making some significant changes, not the least of which is in our economy.

Security, Democrats believe that security is incredibly important, not just our national security and our homeland security, but economic security, and no matter what this district is I travel to, no matter what district you represent, the people in this country are yearning for a commitment from this Congress to move this country in the right direction on economic security. That does not appear to be the commitment of the leadership of this institution. One has only to look at the commentary across the country to know that it is not just my opinion, but this is the opinion of many, many people both who have expertise in economics as well as the rank-and-file individuals who are struggling to make ends meet on a daily basis.

I want to just walk through some of the commentary that we have seen recently and compare the rosy picture that has been painted by this administration and by this Republican leadership, compared to what the reality on the ground every day for working families is.

Let us look at the economy according to essentially do-nothing Washington Republicans, and the way we are characterizing them is simply because we have spent the least amount of time at work during this 109th Congress than in history. We have worked the least number of days, produced the smallest amounts of legislation, and yet the administration and the Republican leadership continues to toot a horn that does not deserve to be tooted.

Let us look at what President Bush said just the other day. Just 2-days ago he said, I would say look at what the recent economy has done. It is strong. We have created a lot of jobs.

You also have majority leader JOHN BOEHNER say on September 1 that the American economy is strong; it continues to provide more economic opportunity and higher wage jobs to working families across the country.

What I would say to the President and to my colleague Mr. BOEHNER is that I am not sure what country they are living in or who they are speaking to, but they seem to believe that if you say something enough times and repeat it often enough that eventually it will sink in and someone will believe it.

□ 2300

But if you ask about the economy according to America's working families, let's see what one young woman talked about from her point of view. Denine Gordon, who is 32 years old and is a waitress who makes the minimum wage, news about her latest trouble. Her van has been in the shop for a week because she and her husband can't afford to fix it. ''This is the least I have ever made in my entire life,'' the Republican and mother of three said. ''The gas prices went up, and the tips went down.'' She said that in the newspaper as reported by AP just 2 days ago.

Debbie Brewer, a 50-year-old woman and a deli owner, rattled off her biggest complaints about the economy as she counted change while closing her register for the night. ''We will never see 99 cents again,'' the Republican said, of

gas prices. ''Everything is jumping, your gas, your food, and everything, but your wages don't go up.''

And what both of these young women are speaking about is the fact that in 9 years we have not had an increase in the minimum wage. We still have not provided just a minimal increase to those who make the least amount of money in the country, who certainly can't afford to uphold the costs that their families have on a minimum-wage salary. We have a Republican Congress here that has repeatedly refused to raise the minimum wage, and no opportunity in the next 1½ weeks, it appears, that we are going to be able to do that. We have legislation that is been amended, we have the Labor and Health and Human Services appropriations bill that has an amendment sitting on it that the Republican leadership refuses to bring to the floor because it was successfully adopted in the appropriations subcommittee. As a result, that bill was stalled, never to see the light of day because, God forbid, it would give the Members an opportunity to have a straight up-or-down vote on the minimum wage. Their fear is that it actually would pass. And that is just incredibly, incredibly sad.

Let's take a look at some more reality about the economy. This is the real economic change under this President. While the minimum wage has not increased since 1997, let's look at what has increased. You look at this chart over here, all the way on the left you see zero percent increase in the minimum wage. But let's take a look at the price of whole milk. That has increased 24 percent. Let's take a look at the price of a loaf of bread. That has increased 25 percent. How about the price of a 4-year public college education? That has increased 77 percent.

Let's peruse how much health insurance has gone up. And, Mr. Speaker, I can tell you that health insurance in particular is an item that people in my district and districts all across the country, I am sure yours as well, people are totally frustrated, don't know what to do, are tearing their hair out because of the ever-increasing upwards of 15 percent increases in health care costs.

It doesn't matter whether I sit next to a mom with young kids or a small business owner or a CEO of a large corporation. I just talked to a CEO of a large corporation today. The cost of health care is their number one concern.

We have 46 million people in this country that don't have access to health insurance, and that number is constantly going up, not down. And the reason it is going up is because more and more employers have less and less of an ability to provide access to health insurance for their employees, so they are just dropping the coverage and leaving their employees on their own to figure out how they are going to get that coverage.

What it means when someone doesn't have health insurance coverage, Mr. Speaker, is that when their child is sick, when they are sick, they can't afford to go to the doctor.

And I can tell you a little story about how, when I first ran for the State legislature in Florida, which was back in 1992, I was walking door to door. And I knocked on a door, I knocked on 25,000 doors in my first election. And as I was walking door to door, it took a young woman who was home at the time a particularly long time to get to the door before she could answer it. And she called to me from inside of the apartment and said, ''Just a minute, just a minute. I will be right there.''

So I waited patiently. And when she finally got to the door and opened it, you couldn't help but notice that her foot was incredibly, incredibly swollen. And of course, I couldn't help but ask her what happened, what was wrong, because she was obviously in agonizing pain. And she literally said to me, and this has been an issue all the way this number of years. That was 14 years ago. She literally said to me that she now had an infection on her foot, but that she didn't have health insurance, so she now was about to actually, as I have knocked on her door, she was about to go down to the emergency room at the local hospital because she was no longer able to wait.

And she didn't have health insurance, so she couldn't take care of it and go to the doctor for just a chance for him to look at her foot when there was only something minor wrong with it; she had to wait until it was bad enough for her to take herself to the emergency room so that she could get it taken care of.

And that is the story for millions of people across the country, Mr. Speaker. And the problem with 14 years has not gotten better, it has gotten worse, a 97 percent increase in the cost of health insurance.

How about gas prices? Amazingly, people have been rejoicing or at least breathing some sighs of relief that there has been a drop in the cost of gas lately. What is sad is that there has been a drop from upwards of $3 to somewhere between $2.75 and $2.95. You know, when we are at the point in this country where people are excited about gas prices that are lower than $3, but are still higher than $2.50, there is something seriously wrong. Our expectations are out of whack, because America can certainly do better. We can certainly move this country in a new direction.

And I guess that the whole issue of gas prices boils down to, the way I summarized it, what happens, I think, in this country is that it must be on the other side of the aisle that the Republican leadership here isn't filling their own gas tank, or maybe they haven't filled their own gas tank in so long that they don't remember what the cost of a gallon of gas is. They are not standing there at the pump watching it tick dime after dime. It used to be pennies. When I was a child, when you would pump gas and when my parents were pumping gas, you would watch the pennies tick off. Now you watch the dimes tick off.

And pretty soon, if we don't get a handle on making sure that we don't totally rely on foreign oil or oil in general as a resource, we are going to probably see quarters rattle off on that end column on the gas tank as opposed to dimes or as opposed to pennies like it used to when I was a child.

That is the only explanation I can find to the callous disregard on the part of the leadership here for getting a real handle on how to address gas prices so that we don't have joy and so that we are not forced to delight in a 20-cent drop that brings us to about $2.70 or $2.50. It is just our priorities seem to be backwards.

What we need to do and what Democrats will do in our new direction for America if we are given an opportunity after November 7 is we would make a real investment in exploring alternative energy. We would make an investment in the Midwest instead of the Middle East. We would make an investment in ensuring that we can expand the use of ethanol; that we can truly, like Brazil did.

Brazil, Mr. Speaker, is now a country that has broken their addiction to foreign oil. They actually are self-sufficient. They grew their way out of the problem. They have crops that give them the ability to produce enough ethanol, and now they have American automobile manufacturers building cars for them that are sold and marketed in Brazil so that they can again be energy self-sufficient and not reliant upon OPEC and the Middle East.

And what we have is our Energizing America Plan. We have a plan to have farmers fuel America's energy independence, and we have an action plan to do that so that we can be truly energy-independent within 10 years. It is not rhetoric, it is a plan.

It is not rhetoric like what we heard here with the President's State of the Union where he talked about wanting to end America's addiction to foreign oil. Well, where is the beef, Mr. Speaker? Where is the backup behind the words? Because I haven't seen it, and I have only been here 2 years now and completing my freshman term in Congress, but I have only seen energy legislation that is written for the oil companies, that gives them the ability to not pay subsidies, that gives away the store, that gives them the ability to drill all they want without paying royalties to the government. And, the last time I checked, the oil industry is the most profitable industry on the planet.

Literally, in the fourth quarter of last year, I believe it was ExxonMobil that made more money, more profit than any company in history. And let's just take a look at the oil companies'

record profits. Yet we are passing legislation that gives them even more money.

In 2002, you have the oil industry making $34 billion. In 2003, they made $59 billion. In 2004, they made $84 billion; in 2005, $113 billion. Yet, we pass legislation here in this House that actually gave them more. Didn't make them pay the royalties and the subsidies that they would normally owe to the Federal Government. Why? Because there is no commitment on the part of this Republican Congress to actually end our addiction to foreign oil, because that would end the direction that this profit margin is going. It would make sure that there was some balance. It would make sure that we invest, like our plan would, in America, in the Midwest, and in my home State where we have sugar farmers who could benefit from producing sugar that could be made into ethanol. I have a company in my district that has the ability to do that, and if we will only give them the opportunity to help move this country in the right direction.

Let's take a look at what is happening with the individuals who work for the oil industry. This is Lee Raymond. Why is he smiling in this picture? Because he got a $398 million retirement package and a $2 million tax break. Really. When we are talking about who gets tax cuts that have been passed out of this Chamber again and again and again since you and I have been here, Mr. Speaker, this is the person and the type of person that those tax cuts are designed to help. We passed tax breaks and subsidy giveaways for the oil industry, and we refuse to raise the minimum wage for people like waitresses and our workers who are only trying to make ends meet. It is just abominable.

What we would do as Democrats is we would move this country in a new direction. We would make a real commitment to economic security. We would focus on the domestic needs of this Nation. We would make sure that we cut the student loan rate in half. It is at its highest rate ever. We would make sure that we make a real commitment to expanding access to health care, to the 46 million Americans that don't have it. We would pass a real prescription drug benefit for senior citizens, and not a prescription drug benefit that was written to benefit the pharmaceutical industry.

Right now, Mr. Speaker, the Medicare Part D prescription drug benefit, and we are getting close to September 22, which is the date in which many, many senior citizens, and they are already dropping through it as we speak, that many, many senior citizens are going to fall into what is called the doughnut hole, the point at which the Medicare prescription drug benefit that was passed in 2003, before you and I came to this Chamber, the senior citizens that we represent will fall into this doughnut hole. And this is how it is going to happen.

There is a gap in coverage in the prescription drug benefit designed in this bill that makes it so that when a senior citizen participating in a drug plan reaches $2,250 in prescription drug expenses, and now I am not talking about out-of-pocket expenses, the way you get into the doughnut hole is they take the actual cost of the drug, not what the insurance plan pays for it, but the actual cost of the drug, plus the copay, and they add that up together. When it gets to $2,250, you fall into the doughnut hole.

But it is a bait and switch. You don't get out of the doughnut hole when you reach $5,100 in those kinds of costs. You can't climb out of the doughnut hole until you reach $5,100 in out-of-pocket expenses. So what that means is that many, many senior citizens will never climb out of the doughnut hole.

How is that going to help senior citizens reduce their drug costs and not to have to choose between medicine and meals?

□ 2315

The reason it was designed that way was so the pharmaceutical industry wouldn't have to be on the hook for losing a ton of money. The Republicans could essentially say they passed a prescription drug benefit that really does not help a lot of people.

Another problem with the prescription drug benefit is that it actually is prohibited in the law from allowing the government to negotiate for lower prices with the pharmaceutical industry. There is a specific prohibition against that.

That is outrageous. It seems like common sense that we should be able to negotiate the best possible deal for our seniors. But we can't do it, it is not allowed, even though the Veterans Administration is able to do it and is able to get better prices than the Federal Government can for our senior citizens.

That is why people are importing their drugs from Canada. It is shocking but true that they actually have American-manufactured drugs in Canada available for less money than they are available for here, even though they are developed and manufactured in America.

I was in New York over the weekend, and while I was there I heard a radio ad that shocked me. It was a bald-faced radio ad that marketed directly to seniors, that encouraged them to contact this Canadian company and buy their drugs directly from Canada.

That is what we have come to. We have to have our own citizens get their prescription drugs from outside this country because we are not taking proper care of them.

Democrats would do better. We would move this country in a new direction. We would close the doughnut hole by changing the law and allowing for the negotiation of lower prices. That savings would fill the doughnut hole so there would not be a gap in coverage.

Those are the kinds of things we would do. We would make sure that we put Americans and their economic security first and not the wealthiest few, not the CEOs of oil companies, not the oil industry itself. And we put action behind our words.

The gentleman from Georgia concluded his hour by saying we need to tone down the rhetoric. Well, if we could tone down the agenda and focus the agenda on the needs of the American people, then the rhetoric would not need to be so sharp.

Forgive me, but I happen to consider myself a direct and straightforward person. I am going to call it like I see it. The way I see it and have seen it since I have been here, Mr. MEEK, is that we are for working families; we are for making sure that we move this country in a new direction; that we expand access to health care; that we increase the minimum wage; that we cut the student loan rate in half so we can expand access to higher education; that we reduce the deficit; restore pay-as-you-go spending so we don't spend more than we take in; so we reduce the foreign debt, as you so eloquently talk about night after night; so we make sure that we reorder America's priorities so that we focus on homeland security. Only 5 percent of the containers that come into our Nation's ports are checked, and virtually no packages or cargo that is put in the belly of passenger planes are checked.

These are the things that we would do in our new direction for America. It is time. We have 48 days. Americans have 48 days to send a signal that they want us to move in a new direction. I am looking forward to November 8 when we can wake up and implement all of the things that we talk about night after night after night.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, I think it is important that we take this in a very serious manner. Even though it is Eastern Standard Time, it is approximately 11:20 p.m., and we have worked a full legislative day. We have a full legislative day tomorrow. And we are here to give voice to those that are counting on not only Members of Congress, but Members of Congress that have the will and desire to move us in a new direction.

Mr. Speaker, I think it is important that for those Members who want to join this side of the aisle in making sure that veterans, those who have allowed us to salute one flag, to be able to get the kind of health care that they deserve from this government, to allow those small businesses that want to provide affordable health care for their workers, all of the way up to the Fords and the GMs of the world who would like to provide health care, because we haven't addressed those issues here in this Congress. The corporate community and also the business community are suffering because of it, as well as the workers. Forty million Americans are trying to figure out how they are going to provide health care to not only children but for individuals who punch in and punch out every day.

These are issues that we are willing to address and that we have had here as it relates to legislation in this Congress. I think it is important that we focus on bringing balance to this process, not just coming to the floor, having discussions. I can see if we were just here talking about what the majority is not doing. We are not only identifying what they are not doing, but at the same time we are saying on HouseDemocrats.gov that we have plans for security. We have plans for making sure that we invest in the Midwest versus the Middle East. We have plans as it relates to a real strategy for the war in Iraq versus just a slogan that says stay the course.

We have a plan to make sure that we educate our children, an innovation agenda that has been out for a very long time. It is nothing new, nothing that we revealed in days before the election, some under 50 days before the next election.

The American people, and I am not talking about just the Democratic American people, I am saying Independents, the Reform Party, all have an opportunity to make a decision on behalf of the future of our country.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the 30-something Working Group, as you know we were here earlier with Mr. DELAHUNT and Mr. RYAN, and for those others of the 30-something Working Group that were not able to make it to the floor, making sure that college is affordable for the next generation, making sure that we are not worrying about competing with the school down the street but competing with a school on another continent, we want to make sure that we do everything that we are supposed to do here in this Congress in giving every American a level playing field, if not an advantage over other countries, and making sure that they have what they need.

We have fought the obvious battle here in making sure that our troops have body armor, making sure that those families that had to buy body armor for their loved ones, husbands, wives, uncles, daughters, making sure that we fought for those issues.

I would give credit to some Members on the other side of the aisle who did stand up against the majority. But unfortunately, we have overwhelming support for a rubber-stamp majority, those individuals who are willing to follow the Republican leadership and not standing up on behalf of the American people.

I think it is important that we give voice to those individuals. I am glad Ms. WASSERMAN SCHULTZ talked about the minimum wage and she focused on domestic issues. We have a war in Iraq, but we have a huge challenge here in the United States of America. We have a huge challenge. We have blue and red States that are suing the Federal Government for lack of funding on Leave No Child Behind, which was a bipartisan piece of legislation that we felt we could move forth in a bipartisan way, not only in this Chamber but also in the Senate.

But it takes a majority to bring about true bipartisanship. We have shown that we have been able to do it. We have shown on this side of the aisle that we can balance the budget and secure the future of not only Social Security but also secure the future of our country, not having other countries having their hand in the pocket of the American taxpayer.

Earlier Ms. WASSERMAN SCHULTZ talked about the whole issue of border security. It was an hour that the majority had, not the last hour, the hour before that, talking about how we are securing America and we are strong, this, that, and the other, and coming to the floor and sharing words without third-party validators. Who are the third-party validators? Our third-party validators are the American people who are saying that they are concerned about what is happening in this country because we don't have the kind of balance that our democracy calls for.

Who is going to hold in check an administration that is willing to do anything to make sure that, you know, let's say the poll numbers, or to use 9/11, something that is not dealing with honoring those families and those first responders, but to talk about a false agenda as far as securing America. We can do a better job.

Have the majority done some things? Yes, they have done some things. I am a level-minded person, and there are some things that have been done. But have we secured America in the way we should? As it relates to our agenda and securing America, we have put that up front. Not just as it relates to uniforms and badges, but also from a fiscal standpoint, we are saying we don't want America's back broken because of the record-gaining debt of this administration and the Republican Congress.

Ms. WASSERMAN SCHULTZ, I am going to tell you right now, this poster here is very interesting because this poster is the longest-living poster that we have in the 30-Something Working Group arsenal of posters, to be able to break this down so everybody can understand.

We don't want to confuse Members or the American people by using big words and acronyms and just kind of talking inside a Washington game. We want to make sure that people understand. We want to make sure that people understand that here as it relates to our efforts on the Democratic side of the aisle, that it is not about the Democratic National Committee. That it is not about, because I am a Democrat, I am right. It is not about okay, I am going to speak to only the Democratic Members of the House, because that is not what this democracy is set up to do.

This democracy, Article I, section 1, of the U.S. Constitution, says as a legislative body, we have oversight and investigative powers. We are supposed to hold this government accountable.

The House is the only body you have to be elected to. The Senate, you can be appointed as a Senator. If a Senator was to say I have to retire, health reasons or whatever the case may be, or somebody is picked for Vice President, a Governor in that given State can appoint an American citizen to carry out that Senator's term. That has happened. That has happened in this Congress.

When we look at the House of Representatives, we are the true body of the democracy. We have to be elected. If any Member of the House has to leave, they have to hold a special election to fill a seat. Let me say, it takes the House and the executive branch to do what has happened. $1.05 trillion has been borrowed in 4 years between 2001–2005. President Bush, he is our Commander in Chief and he is our President, period, dot, but he cannot do it by himself. The Republican Congress allowed him to do it in raising the debt ceiling. We had those letters out here, and we still have those letters from the Secretary of the Treasury saying we have to raise the debt ceiling.

What does that mean? That means we haven't been responsible, the Republican majority, in administering the dollars that the American people have given in trust to this Congress and this House to do on their behalf. Spending is out of control, borrowing is out of control. Borrowing is out of control. $1.05 trillion. In 224 years, and here I am in the 109th Congress, a second generation Member of the House, okay, and this has never happened in the history of the Republic. This is not something that happened maybe 20 years ago, even 100 years ago. In 224 years, 42 Presidents have not been able to accomplish what the Bush administration and the rubber-stamp Republican Congress has been able to accomplish in allowing foreign nations to buy our debt, to have their hands in the pockets of the American people, and counting.

This chart, as far as I am concerned, when we get back here after November, we are probably going to have some new numbers. That $1.05 trillion is higher. This chart is falling apart, goodness gracious, because this chart has been the wake-up call.

We decided to come up with this chart to paint the picture, regardless of what the Members on the other side who come to the floor say about fiscal responsibility. The Government Accountability Office released a report that there are agencies that are coming to the Hill that can't explain where millions of dollars have gone.

□ 2330

And we are supposed to have oversight. We have the Secretary of Defense Donald Rumsfeld that says if anyone in the Pentagon says anything else about redeployment of troops or a different strategy than what I believe, ''I believe,'' or that the administration has embraced, then they are fired. Ms.

WASSERMAN SCHULTZ, not even a hearing, not even a Member from the Republican side outraged to the point where they are going to their party leaders saying we have got to call the Secretary of Defense in and find out what he is talking about, because this thing is supposed to be, using your own words, Mr. Speaker, using their words, saying if we hear from the military commanders on the ground what they need, we are going to give it to them.

So when you have this lack of oversight, no matter what your party affiliation is, no matter what your motivation may be to vote or not vote in November, you have to have issue with individuals that are saying, ''Either it's my way or the highway.'' That is okay if you had a household somewhere and you are the big paycheck guy or gal or whatever the case may be and you are paying the bill. But when you are paying the bills with U.S. taxpayer dollars, we have to bring issue to that. And because of that relationship that this Republican majority has with the executive branch of this government, of our government, I must add, it is problematic when you have folks that are not willing to ask the question.

When we walk through these doors into this Chamber, Mr. Speaker, and the lights are up in this Chamber, and it says the board is open, what we call the voting board is open, and we take our voting card out, and we come in here to vote, we are voting on behalf of 600- or 700,000 Americans that have elected us to come here to represent them, not what the special interests say that we should do here in this House. There are some very obvious issues that should be resolved, that need to be resolved, but will not be resolved as long as we have a rubberstamp Congress in place.

Ms. WASSERMAN SCHULTZ, I sleep well knowing that we spend every moment that we can here on this floor until the clock runs out by the rules of this House to allow us to come here and give voice to those Americans that deserve better. We are saying that we are willing to put this country in a new direction, not just saying it in fiction. It is on the Internet. It is on housedemocrats.gov. We have press conferences. We file amendments in committee. And the only reason why those amendments and that legislation does not have breath in the lungs of the legislation that we file, the reason why it doesn't have a heartbeat, is the fact that we are in the minority.

Now, the only way that can change, Mr. Speaker, is that we need a majority of this House to bring accountability back to this government to make sure that we have balance, to make sure we have fiscal responsibility, to make sure that we stand up on behalf of children who can't even vote, and to make sure that we give voice and to make sure that we give direction and to make sure that we have the backs of our men and women that have sand in their teeth right now in the war in Iraq, and to make sure that those individuals that are in Afghanistan that are standing on behalf of the hope and the prayer and hopefully the willing desire of this Congress, to make sure that we have their back, to make sure that we have a true coalition, to make sure that other countries can look at this country and know when that whatever the President's says, it does not necessarily mean that that is the final word.

Yes, we support our President. But at the same time, Mr. Speaker, we have to be able to allow this Congress and this legislative branch to function in a way that it is supposed to function. And right now that is not the case because individuals are willing to rubber-stamp exactly to the word, to the comma, to the period to what the President calls for. And it is on domestic policy, and it is also on foreign policy. And I think it is important, Ms. WASSERMAN SCHULTZ, that we carry out our duty.

No other President in recent times, Mr. Speaker, I must add, has been able to celebrate the kind of rubber stamp that the Bush administration has received. That is not good for America. That is not good for any party affiliation anyone may have, and that is not good for the future of our country. And that is the reason why we are here in that light.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. MEEK. And I have to tell you that I know I am less senior than you are. I came here a term behind you, and I am just completing my second year in the Congress. And what I have been shocked by is the lack of oversight. I sit on the Judiciary Committee and Financial Services. And in the Judiciary Committee in particular, which is supposed to be the place where we are protecting our civil liberties and protecting the Constitution of the United States of America, even in the Judiciary Committee in this House, we have ceded our authority, our authority for oversight, and holding the administration's feet to the fire to the executive branch. The Republican leadership here has thrown up their hands and said, you do whatever you want. It is okay.

Honestly, sometimes I ask myself, other than our taking the floor each night and individually trying to do what we can and as a caucus collectively trying to do what we can to hold the administration's feet to the fire, I wonder why these people who are running this institution bother showing up to work, because what are they doing? We have worked less. We have been in session fewer days than even the ''Do-Nothing Congress'' of the 1940s.

We aren't passing significant legislation. Two weeks ago we literally, the only piece of, quote, unquote, major legislation we passed out was a bill that would prohibit the slaughter of horses. And yet we still have Americans who are twisting in the wind, who are struggling to make ends meet, who are toiling at a minimum wage rate where they can't possibly pay all the bills, and the Republicans just continue to paint a rosy picture.

And what you always say, and I quoted you earlier, is maybe if they just think if they say it enough times that people will believe it, or it will magically come true. Let us just look at what they said and what the reality is.

Essentially we know that Americans are not fooled by this rosy picture that is being painted. Let us look at the recent polling. A respected poll, NBC-Wall Street Journal poll, 52 percent of those polled disapproved of the President's handling of the economy. That was not a long time ago. That was on September 15, a few days ago. A Bloomberg-L.A. Times poll showed 60 percent of self-described Independents said the economy was doing badly, 60 percent. That was on September 5. And really what we are dealing with here is Americans are facing a different reality than the Republicans' statistical spin.

Let us look at the situation with the minimum wage. It is now at its lowest level in 50 years adjusted for inflation. Real household has declined nearly $1,300 under this present administration. The cost of family health insurance has skyrocketed 71 percent since the President took office. And the cost of tuition and fees at 4-year public institutions, 4-year universities, has exploded by 57 percent. We are talking people who are caving in under money pressures. We have an economic squeeze that really in 48 days I believe, we believe, is going to affect how people make their voting decisions.

Look at hourly wages. They are down 2 percent since 2003. Up 20 percent from just a year earlier are gas prices. Consumer confidence is down by 7 percent in just the past month.

When the economy is rosy, Mr. MEEK, and I am no economist, but usually the consumer confidence index is not in this direction when the economy is doing well.

What is up 97 percent since this President took office, mortgage debt. You and I know we live in now what is one of the most expensive communities in the country. Who knew that South Florida would end up being as costly as it is? But our school districts actually just realized that they lost and had an unexpected drop in the number of schoolchildren in each of our school districts, and they are baffled as to how that happened, except the only thing they can attribute it to is that the cost of housing has exploded to such a degree that people have just moved because they can't afford to live in our community anymore.

And that is the case with communities all across America. Only where are they going to go? Every place is expensive. The average cost of a house in our communities now is over $300,000. Yet we continue to pass tax cuts for the wealthiest few off this floor and out of this Congress and send those

things to the President. At least we have the Senate as a backstop.

One of the other things I wanted to touch on, we have been talking about our 2006 agenda, our new direction for America; and we have covered our commitment to real security at home; our commitment to better jobs, specifically not sending jobs overseas; increasing the minimum wage; cutting the student loan rate; really making a commitment to energy independence and affordable access to health care.

One of the things that we talked about in the 30-Something Working Group a lot last year was the privatization scheme that President Bush proposed for Social Security. And what Leader PELOSI has emphasized so often with us is don't let the American people forget that this is not off the agenda or off the table for this Republican leadership or this President. They are absolutely still committed to privatizing Social Security, and if we take control of this Congress, we will ensure that that will not happen. President Bush literally has said he hopes to revise his plan to overhaul the U.S. Social Security retirement program if his party keeps control of the Congress in the November midterm elections.

And you talked about third-party validators. That is whom we rely upon for our information that we disseminate on this floor each night. That was the Wall Street Journal just on September 9, just 10 days ago.

The bottom line is that the threat of privatizing Social Security is not over, and we need to make sure that we have a party and a caucus and Members who are committed to preserving Social Security.

Just look at the quote of Secretary of the Treasury Henry Paulson. He said, ''Social Security was created in 1935. Today people are living longer than that they did in 1935. Yet Social Security's basic structure has barely changed. Just 3.3 workers are paying into the system to support each beneficiary while 16 workers did so in 1950. The President put forward a plan last year to strengthen and modernize Social Security. The longer we wait to fix this problem, the more limited will be the options available to us, the greater cost, and the more severe the economic impact on our Nation.''

And all of the people in the administration, there is quote after quote after quote that describes their underlying intent to privatize Social Security, pull the rug out from under our senior citizens from the most successful program in American history that is the floor through which we will not allow our senior citizens to fall. And we have just got to make sure that 48 days from now we are able to make sure that our senior citizens can be protected not just in their retirement security, but in terms of their health care security, in terms of making sure that they have a prescription drug benefit that truly protects them, that truly gives them affordable access to prescription drugs, that is consistent, that does not have a doughnut hole that they fall through, and that allows the Federal Government to negotiate for lower prices. Those are the things that are reflected in our agenda.

And you can see by the Republicans' agenda here that they have been committed to nothing remotely close to that. They have been committed, since I have been here, to increasing tax breaks for the wealthiest few. They have been committed to giving subsidies to the oil industry. I mean, sometimes I feel like they are committed to reducing access to health care because they have done absolutely nothing to move that ball down the field. It has just been a real shock to me. And the fact that they have allowed the aftermath of Katrina to continue by contracts going out the door unchecked, millions and millions of dollars not accounted for, no-bid contracts awarded to companies that are essentially the friends of Republicans.

We have got former House Speaker Newt Gingrich, certainly no friend of the Democratic agenda, who has commented that ''they are seen by the country,'' they being the Republicans, his party members, ''they are seen by the country as being in charge of a government that can't function.'' And that is because they are giving away the store. They are letting things happen completely unchecked, ceded the oversight authority of the Congress to the executive branch and, on top of that, in the war in Iraq, also allowed for contracts to be let without a bid with absolutely no oversight of how those funds are spent; one contract where $9 million went out the door, and no one knew what it was spent on.

It is just shocking. These are facts. These are not things that we are making up, and it is not hyperbole or exaggeration. I just don't understand how they look at themselves in the mirror every morning when they wake up. My parents raised me that you have got to make decisions that are going to make you comfortable and that are going to allow you to look yourself in the mirror when you wake up in the morning and put your head down on the pillow and rest comfortably at night. And I honestly don't understand how any of the Members on that side of the aisle can do that when they take out that rubber stamp that you bring to the floor each night that we are and they just stamp it. They just repeatedly pound it over and over for the agenda of this President, which is clearly out of step with the average American.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, I can tell you that as you start to go down the line of the facts and not fiction of what has happened and what has not happened here in this House, you can't help but think that we only have tomorrow that we will be in session, and we have next week that we will be in session.

□ 2345

There are a number of conference reports out there, bills that have passed both House and Senate that are in limbo that a conference committee has not even been appointed by the leadership of the House on a bipartisan, in a bipartisan way or partisan way to even deal with those issues.

We have an immigration bill that the American people would like to see some action on. No action whatsoever. And I can sit here with great confidence to say that it will not happen. A lot of things have, you know, a lot of talk on the majority side about an immigration bill. A lot of talk about protecting our borders and bringing legislation to the floor, if it even made it through a committee, and I will take out my Sharpie here of a double-lined fence to protect our border and bringing it to the floor for a vote.

And you take out the legislation and you start to do something, what my teachers used to say, reading is fundamental, and you do not see here where the money has been appropriated to even build a double-line fence that we are coming to the floor and being asked to vote on. It is not a joke.

Ms. WASSERMAN SCHULTZ. There is no money?

Mr. MEEK of Florida. No money. Yes, we are going to build this fence. It is going to be for 200, or if someone sat in the back room somewhere off the chamber and said, do not make it 200, make it a 300-mile fence, let's build a fence all of the way, let's put one in the middle of the Gulf, and we are going to run a fence underwater, folks have to put on masks and SCUBA equipment, put it underwater, yeah, that is the ticket. But no money to be able to pay for the fence.

Better yet, I think that folks find some sort of gratification or, I guess to prove a point, to say we are tough on security. But we are not going to put our money where our mouths are.

The same thing, Mr. Speaker, as it relates to Leave No Child Behind. The same thing as it relates to what, Mr. Speaker, Ms. WASSERMAN SCHULTZ talked about as it relates to the minimum wage.

The 30-Something Working Group night after night pounds the Republican majority as it relates to the imbalance of accountability on behalf of the American people that are making minimum wage. We have a proposal on this side of the aisle to raise the minimum wage to $7.25, that will take other workers who are not on the minimum wage, that are making $10, $15 or $20 an hour, their wages will go up.

Meanwhile, CEOs are getting everything that they want, making triple-diple time of the worker who is going in there and working every day. Need it be someone that is retired, that is trying to make ends meet, they are going in, they are punching in and punching out every day, 15 minutes in the morning, 15 minutes in the afternoon and 30 minutes for lunch if they get that.

The CEOs are getting what they want, and guess what? The Members of Congress are getting what they want. These numbers that you see up here are not minimum wage or even salaried workers in the United States of America. The minimum wage worker has not received an increase since 1997. Look at it. Zeros across the board for the American people. But look at Members of Congress. Now, here is the difference between the minority, those of us that are the Democrats and the majority, those that are in the majority, that has the power and the influence and the committee chairpersons that are able to move legislation, and the speakership and the majority leader, and the Senate, and the White House.

What has happened? They all got raises. And the difference between us and them is that we said we will not participate in another pay raise for Members of Congress until the American people receive a pay raise. And that is a fact. And that is a promise. And the other promise that we have made on this side of the aisle is in the majority, within the first 100 hours that the American people will receive an increase in the minimum wage. And that is a fact. That is not fiction. That is fact. That is on the RECORD. That is in legislation that was filed in the 109th Congress that cannot see the light of day because the majority does not want it to happen.

Now, here is the other issue as it comes down to accountability. There is a big differences from that side of the aisle and this side of the aisle. We have said we are willing to move forth in a bipartisan way and tackle the major issues that are facing this country today and tomorrow. The Republican majority has already shown that they do not have the will nor the desire to follow through on anything that I am talking about at the levels that we are talking about.

We are talking about moving this country in a new direction to make sure that every American can participate, whether they are driving a pickup truck or a flex vehicle here in the United States, making sure that Democrats, Republicans, independents, members of the American people in general, those who cannot even vote will have the opportunity.

We have a proposal on reversing the cost increases that the Republican majority has put on the backs of the American worker and the American family and in educating the next generation of leaders that are here to make sure that they have enough money to attend college, that makes sure that there is no devolution of taxes. And what do I mean?

In the 30-Something Working Group, we do not believe in big slogans and Washington inside talk. We believe in making sure that the American people understand. Devolution of taxes is saying we cut their taxes here, and that we do not put it on the backs of the States, because by their constitution, by State constitutions, they have to balance.

Here in Washington, they just put it on the credit card or they ask a foreign country to pay for the mismanagement of this Republican majority.

So there is a big choice here. The big choice is that do we want to continue to go in the wrong direction, from a fiscal standpoint and a respect standpoint as it relates to our veterans and their services, also as it relates to health care, or do we want to go in a new direction in making sure that we deal with our fiscal issues?

Because on this side of the aisle, we balance the budget. Not one Republican on this side can say that they had anything to do with balancing the budget.

We are almost going to run out of time. But I am just going to say go to www.housedemocrats.gov, or www.house.gov/dems. The Members can go on and see the report on making sure that we keep Social Security as a public program versus privatization. A member actually came to the floor after we finished last week and said that no one in my party ever said anything about privatization of social security.

I kind of wanted to ask the gentleman to yield, Mr. Speaker, because I wanted to bring a statement out that the President said less than 10 hours earlier saying that if they get the majority and he is able to get the next Congress, as he has it now, to rubber stamp, you are going to pursue the privatization of Social Security once again.

So we want to make sure the American people know about it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we have all of the charts and particularly the quotes about Social Security, and what the administration has said about their desire to privatize Social Security and the direction they would take Social Security on our website, our 30-Something website, www.housedemocrats.gov/30something.

We also have our New Direction for America pamphlet on that as well. We encourage the Members and anyone else who would like to learn a little bit more about the direction we would take the country to go on to that website.

Mr. Speaker, we thank Leader PELOSI for the opportunity to talk to the Members tonight. Mr. MEEK, thank you for joining me once again and for your leadership in the 30 Something Working Group.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLF (at the request of Mr. BOEHNER) for today until noon on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. KILPATRICK of Michigan, for 5 minutes, today.

Mr. WATT, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, September 21.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today and September 21.

Mr. TIAHRT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KUCINICH and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,599.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5684. An act to implement the United States-Oman Free Trade Agreement.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, September 21, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30507; Amdt. No. 3179] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Kalispell MT [Docket No. FAA-200523157; Airspace Docket No. 05-ANM-15] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Pinedale, WY [Docket No. FAA-2005-23361; Airspace Docket No. 05-ANM-17] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Norton Sound Low Offshore Airspace Area; AK [Docket No. FAA-2006-23926; Airspace Docket No. 06-AAL-10] (RIN: 2120-AA66) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fremont, MI [Docket No. FAA-2006-23902; Airspace Docket No. 06-AGL-01] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E2 Surface Area; Elko, NV [Docket No. FAA-2006-25252; Airspace Docket No. 06-AWP-12] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace; Elko, NV [Docket No. FAA-2006-24243; Airspace Docket No. 06-AWP-11] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Redesignation of VOR Federal Airway V-431; AK [Docket No. FAA-2005-20551; Airspace Docket No. 06-AAL-18] (RIN: 2120-AA66) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS-365N2, AS 365 N3, EC 155B, EC155B1, SA-365N, N1, and SA-366G1 Helicopters [Docket No. FAA-2004-18850; Directorate Identifier 2004-SW-19-AD; Amendment 39-14694; AD 2004-16-15 R1] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CC Airplanes [Docket No. FAA-2005-22504; Directorate Identifier 2003-NM-281-AD; Amendment 39-14691; AD 2006-15-11] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A310 Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-24779; Directorate Identifier 2006-NM-044-AD; Amendment 39-14689; AD 2006-15-09] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Airbus Model A310-200 and -300 Series Airplanes [Docket No. FAA-2005-22630; Directorate Identifier 2001-NM-323-AD; Amendment 39-14690; AD 2006-15-10] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CC Airplanes [Docket No. FAA-2005-22505; Directorate Identifier 2003-NM-283-AD; Amendment 39-14692; AD 2006-15-12] (RIN: 2120-AA64) received September 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-200623690; Directorate Identifier 2004-NM-133-AD; Amendment 39-14684; AD 2006-15-04] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -300, and -400 Series Airplanes [Docket No. FAA-2005-20731; Directorate Identifier 2004-NM-260-AD; Amendment 39-14685; AD 2006-15-05] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-203 and A300 B4-203 Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2006-23675; Directorate Identifier 2001-NM-320-AD; Amendment 39-14686; AD 2006-15-06] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2006-24092; Directorate Identifier 2006-CE-18-AD; Amendment 39-14682; AD 2006-15-02] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Models B5JFR36C1101/114GCA-0, C5JFR36C1102/L114GCA-0, B5JFR36C1103/114HCA-0. and C5JFR36C1104/L114HCA-0 [Docket No. FAA-2006-25173; Directorate Identifier 2006-NE-24-AD; Amendment 39-14693; AD 2006-15-13] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes [Docket No. FAA-2006-23645; Directorate Identifier 2006-CE-04-AD; Amendment 39-14687; AD 2006-15-07] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2006-24074; Directorate Identifier 2005-NM-213-AD; Amendment 39-14676; AD 2006-14-05] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9520. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 F4-600R Series Airplanes and Model A300 C4-605R Variant F Airplanes [Docket No. FAA-2006-24367; Directorate Identifier 2006-NM-041-AD; Amendment 39-14677; AD 2006-14-06] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9521. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and A330-300 Series Airplanes, and Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. 2002-NM-247-AD; Amendment 39-14673; AD 2006-14-02] (RIN: 2120-AA64) received september 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9522. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes, and Model A340-541 and A340-642 Airplanes [Docket No. FAA-2005-22524; Directorate Identifier 2005-NM-135-AD; Amendment 39-14672; AD 2006-14-01] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9523. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes [Docket No. FAA-2006-25537; Directorate Identifier 2006-NM-160-AD; Amendment 39-14708; AD 2006-16-08] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9524. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, -300ER Series Airplanes [Docket No. FAA-2006-24173; Directorate Identifier 2005-NM-262-AD; Amendment 39-14652; AD 2006-12-26] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9525. A letter from the Regulations Coordinator, CMS, Department of Homeland Security, transmitting the Department's ''Major'' final rule — MedicareProgram; Part A Premium for Calendar Year 2007 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8028-N] (RIN: 0938-AO18) received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 1018. Resolution providing for consideration of the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; for consideration of the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime; and for consideration of the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures (Rept. 109–671). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STEARNS (for himself, Mr. MATHESON, and Mr. MCINTYRE):

H.R. 6113. A bill to direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Ms. WOOLSEY, Mr. PAYNE, Ms. LEE, Mr. ANDREWS, Mr. PALLONE, Ms. CARSON, Mr. HINCHEY, Mr. RANGEL, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. OLVER, Mr. GUTIERREZ, Mr. WEXLER, Mr. DAVIS of Illinois, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. CONYERS, Ms. NORTON, Mr. OWENS, Mr. RUSH, Mr. MICHAUD, Ms. WATSON, Ms. WATERS, Mr. MCGOVERN, Ms. MCKINNEY, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. FILNER, and Mr. FARR):

H.R. 6114. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and the Workforce.

By Ms. PRYCE of Ohio (for herself, Ms. WATERS, Mr. GERLACH, Mr. FRANK of Massachusetts, and Mr. TIBERI):

H.R. 6115. A bill to extend the authority of the Secretary of Housing and Urban Development to restructure mortgages and rental assistance for certain assisted multifamily housing; to the Committee on Financial Services.

By Mr. ROGERS of Alabama (for himself and Mr. ISSA):

H.R. 6116. A bill to recruit and retain Border Patrol agents; to the Committee on Homeland Security, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself, Mr. ALLEN, Mr. NORWOOD, Mr. BOOZMAN, Mr. LEWIS of Kentucky, and Mr. HALL):

H.R. 6117. A bill to amend the Fairness to Contact Lens Consumers Act to require contact lens sellers to provide a toll-free telephone number and a dedicated email address for the purpose of receiving communications from prescribers; to the Committee on Energy and Commerce.

By Mr. HAYWORTH:

H.R. 6118. A bill to amend title XVIII of the Social Security Act to permit a physician assistant, when delegated by a physician, to order or provide post-hospital extended care services, home health services, and hospice care under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 6119. A bill to provide for the equitable settlement of claims of Indian tribes in the region of Puget Sound, Washington regarding treaty rights to take shellfish from lands in that region, and for other purposes; to the Committee on Resources.

By Mr. UPTON (for himself, Mr. RUSH, Mr. WYNN, Mr. PITTS, Mr. SHIMKUS, Mr. TERRY, Mr. PENCE, Mr. WOLF, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. WELDON of Pennsylvania, and Mr. CAMP of Michigan):

H.R. 6120. A bill to prohibit deceptive acts and practices in the content rating and labeling of video games; to the Committee on Energy and Commerce.

By Mr. BAKER:

H.R. 6121. A bill to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOLT:

H.R. 6122. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 6123. A bill to include costs incurred by the Indian Health Service, a federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself and Mr. FOSSELLA):

H.R. 6124. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 6125. A bill to prohibit discrimination by group health plans and employers based on genetic information; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 6126. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 6127. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 6128. A bill to provide for the distribution of excess manufactured housing units located at Hope Municipal Airport, Arkansas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROYCE (for himself, Mr. KANJORSKI, Mr. PRICE of Georgia, Ms. BEAN, Mr. BACHUS, Mr. SCOTT of Georgia, Mr. SESSIONS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 6129. A bill to amend the Credit Repair Organizations Act to clarify the applicability of certain provisions to credit monitoring services, and for other purposes; to the Committee on Financial Services.

By Mr. LANTOS (for himself, Mr. HYDE, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 1017. A resolution affirming support for the sovereignty and security of Lebanon and the Lebanese people; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H. Res. 1019. A resolution honoring the life of Carl Brashear, the first African-American Navy Master Chief Diver; to the Committee on Armed Services.

By Mr. MARKEY:

H. Res. 1020. A resolution directing the Secretary of Defense to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on Armed Services.

By Mr. MARKEY:

H. Res. 1021. A resolution directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on Homeland Security.

By Mr. MARKEY:

H. Res. 1022. A resolution directing the Secretary of State to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on International Relations.

By Mr. MARKEY:

H. Res. 1023. A resolution requesting the President to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on International Relations.

By Mr. MARKEY:

H. Res. 1024. A resolution directing the Attorney General to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on the Judiciary.

By Ms. MCKINNEY:

H. Res. 1025. A resolution honoring the life and achievements of the late Oscar Davis, Sr., of Baldwin County, Georgia, for his public service as a leader in the State of Georgia and dedication to the cause of civil rights; to the Committee on Government Reform.

By Ms. MCKINNEY:

H. Res. 1026. A resolution for the re-opening of investigative hearings into the Counter-Intelligence Program (COINTELPRO) and other intelligence and law enforcement programs and agencies, and an expansion of those hearings to include reneweal of previously curtailed abuses, and other activities sanctioned by the USA PATRIOT ACT; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California:

H. Res. 1027. A resolution commending the life's work of Stephen Robert Irwin and extending heartfelt sympathy to his family; to the Committee on International Relations.

By Mr. SOUDER (for himself, Mr. TOM DAVIS of Virginia, Mr. CUMMINGS, Mr. CALVERT, Mr. TERRY, and Mr. HINOJOSA):

H. Res. 1028. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. INSLEE.

H.R. 196: Mr. KUHL of New York.

H.R. 615: Mr. MICA, Mr. KELLER, Mr. BACHUS, and Mr. MURPHY.

H.R. 752: Mr. MURTHA.

H.R. 817: Mr. AKIN, Mr. GINGREY, and Mr. BACA.

H.R. 997: Mr. BILBRAY.

H.R. 1000: Mr. WALSH, Mr. MEEHAN, and Mr. TOWNS.

H.R. 1106: Mr. NADLER and Mr. DOYLE.

H.R. 1227: Mr. NEUGEBAUER.

H.R. 1376: Ms. DELAURO.

H.R. 1384: Mr. BOUSTANY.

H.R. 1472: Mr. BISHOP of New York, Mr. KING of New York, Mrs. MCCARTHY, Mr. ISRAEL, Mr. TOWNS, Ms. Velázquez, Mr. BOEHLERT, Mr. SWEENEY, Mrs. Lowey, Mr. REYNOLDS, and Mr. MCHUGH.

H.R. 1498: Ms. SCHWARTZ of Pennsylvania.

H.R. 1707: Mr. SIMMONS.

H.R. 2184: Mrs. CHRISTENSEN.

H.R. 2356: Mrs. BIGGERT.

H.R. 2629: Mr. SHAYS.

H.R. 2804: Mr. DOOLITTLE.

H.R. 2861: Mr. BOUSTANY, Mr. RAMSTAD, Mr. MURPHY, Mr. LOBIONDO, and Mr. CAPUANO.

H.R. 3103: Mrs. KELLY.

H.R. 3111: Mr. LEWIS of Kentucky.

H.R. 3151: Mr. CAPUANO.

H.R. 3436: Mr. BISHOP of Georgia.

H.R. 3561: Ms. MOORE of Wisconsin.

H.R. 3616: Mr. CASTLE.

H.R. 3875: Mr. BOUSTANY, Mr. GOODE, and Mrs. CAPITO.

H.R. 3954: Mr. ROTHMAN and Mr. MCINTYRE.

H.R. 4098: Ms. PRYCE of Ohio, Mr. FITZPATRICK of Pennsylvania, and Mr. KENNEDY of Minnesota.

H.R. 4217: Mr. GRAVES.

H.R. 4277: Mr. JONES of North Carolina.

H.R. 4341: Mr. SPRATT and Mr. BILIRAKIS.

H.R. 4511: Mr. LINDER.

H.R. 4597: Mr. EVANS and Mrs. BONO.

H.R. 4708: Mr. WATT.

H.R. 4727: Mr. INSLEE, Mr. HINOJOSA, Mr. BROWN of Ohio, and Mr. MCINTYRE.

H.R. 4734: Mr. WEXLER.

H.R. 4740: Mr. MORAN of Virginia.

H.R. 4746: Mr. JONES of North Carolina and Ms. BORDALLO.

H.R. 4830: Mr. GARY G. MILLER of California, Mr. DAVIS of Kentucky, Mr. SESSIONS, Mr. MARCHANT, Mr. HAYWORTH, Mrs. MUSGRAVE, Ms. FOXX, Mr. MCCOTTER, and Mrs. DRAKE.

H.R. 4861: Mr. DEAL of Georgia.

H.R. 4904: Mr. WELDON of Pennsylvania.

H.R. 4924: Mr. SWEENEY, Mr. WALSH, Mr. HASTINGS of Washington, Mr. TIBERI, Mr. LATOURETTE, Mr. BOEHNER, Mr. SIMPSON, Mr. BOEHLERT, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. HINOJOSA, and Mr. MCNULTY.

H.R. 4925: Ms. SCHAKOWSKY.

H.R. 4949: Mr. CUELLAR.

H.R. 4956: Mr. CARNAHAN.

H.R. 4993: Mr. KUCINICH.

H.R. 5035: Mr. GUTIERREZ.

H.R. 5092: Mr. SAM JOHNSON of Texas, Mr. BOUSTANY, and Ms. GRANGER.

H.R. 5100: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. KNOLLENBERG.

H.R. 5120: Mr. CONYERS and Mr. GOHMERT.

H.R. 5139: Mrs. MCMORRIS RODGERS.

H.R. 5147: Mr. MCDERMOTT, Mr. STARK, Mr. RANGEL, Mr. WAXMAN, Mr. DINGELL, and Mr. PALLONE.

H.R. 5171: Mr. KENNEDY of Minnesota.

H.R. 5242: Mr. CARTER, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. SODREL, Mr. PEARCE, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. GARY G. MILLER of California, and Mr. KLINE.

H.R. 5246: Mr. LATOURETTE and Mr. CAMPbell of California.

H.R. 5250: Mr. CAPUANO.

H.R. 5280: Mr. PRICE of North Carolina and Mr. TOWNS.

H.R. 5396: Mr. PRICE of North Carolina.

H.R. 5476: Mr. SAM JOHNSON of Texas.

H.R. 5513: Ms. KAPTUR, Mr. ADERHOLT, and Mr. DELAHUNT.

H.R. 5642: Mr. CAPUANO, Mr. PASCRELL, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. BERKLEY, Mr. SMITH of Washington, Mr. DEFAZIO, Mr. TIERNEY, Mr. DELAHUNT, Mr. CARNAHAN, Ms. ROYBAL-ALLARD, and Mr. CROWLEY.

H.R. 5708: Mr. SERRANO, Mr. REYNOLDS, and Mr. ISRAEL.

H.R. 5717: Mr. WEXLER and Mr. CONYERS.

H.R. 5730: Mr. SHIMKUS.

H.R. 5733: Mr. FILNER and Ms. SCHAKOWSKY.

H.R. 5743: Mr. LINDER.

H.R. 5746: Mr. DEAL of Georgia.

H.R. 5751: Mr. SOUDER.

H.R. 5771: Mr. OBERSTAR, Mr. HOLT, Ms. LINDA T. SÁNCHEZ of California, and Ms. SLAUGHTER.

H.R. 5772: Ms. FOXX.

H.R. 5795: Mr. MCGOVERN.

H.R. 5829: Mr. DOGGETT, Ms. WOOLSEY, Mr. GONZALEZ, Ms. MILLENDER-MCDONALD, Mr. LARSON of Connecticut, Mr. HONDA, and Mr. ETHERIDGE.

H.R. 5834: Mr. RUPPERSBERGER.

H.R. 5862: Mrs. MCMORRIS RODGERS and Mr. MCCAUL of Texas.

H.R. 5875: Mr. FARR and Mrs. MALONEY.

H.R. 5896: Mr. DAVIS of Alabama.

H.R. 5906: Mr. MCNULTY.

H.R. 5930: Mr. ADERHOLT.

H.R. 5960: Mr. SALAZAR, Ms. BORDALLO, and Mr. MCINTYRE.

H.R. 5965: Ms. KILPATRICK of Michigan, Mr. GUTIERREZ, Mr. HASTINGS of Florida, and Mr. LANTOS.

H.R. 6036: Mr. SIMPSON, Mr. BASS, and Mr. FORTUÑO.

H.R. 6044: Mr. DAVIS of Alabama.

H.R. 6064: Mr. UPTON.

H.R. 6067: Ms. WASSERMAN SCHULTZ, Mr. BROWN of Ohio, Mr. SPRATT, and Mr. KILDEE.

H.R. 6074: Mr. OTTER.

H.R. 6076: Mr. LEWIS of Georgia, Mr. JEFFERSON, and Mr. MORAN of Virginia.

H.R. 6083: Mr. WYNN, Mr. CONYERS, Mr. BUTTERFIELD, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. CUMMINGS, Ms. WATSON, and Mr. DAVIS of Illinois.

H.R. 6092: Mr. SAM JOHNSON of Texas.

H.R. 6102: Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. FORBES, and Mr. CANTOR.

H.R. 6109: Mr. SOUDER and Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 197: Ms. DELAURO.

H. Con. Res. 222: Mrs. MCCARTHY.

H. Con. Res. 404: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEACH, Ms. SCHAKOWSKY, and Ms. BALDWIN.

H. Con. Res. 424: Mr. WEXLER, Mr. WOLF, Mr. MCINTYRE, Mr. DOOLITTLE, Mr. LARSEN of Washington, Mr. CUELLAR, Mr. PALLONE, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. MARSHALL, Mr. BASS, Mr. CONYERS, Ms. KAPTUR, and Mr. DINGELL.

H. Con. Res. 428: Mr. JOHNSON of Illinois.

H. Con. Res. 434: Mr. DOGGETT and Mr. WEXLER.

H. Con. Res. 455: Ms. GRANGER.

H. Con. Res. 457: Mr. BACHUS, Mr. MCCOTTER, and Mr. ROTHMAN.

H. Con. Res. 470: Ms. PELOSI, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. MORAN of Virginia, and Mr. ACKERMAN.

H. Con. Res. 471: Mr. HASTINGS of Florida, Mr. KIND, Mr. DUNCAN, Mr. TANNER, Mr. COBLE, Mr. BOYD, Mr. WELLER, Mr. LATOURETTE, Mr. OXLEY, Mr. SMITH of Texas, Mr. MANZULLO, Mrs. BLACKBURN, Mr. MATHESON, Mr. SIMPSON, Mr. PASTOR, Ms. GINNY BROWN-WAITE of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 473: Mr. BILBRAY, Mr. FARR, Mr. WILSON of South Carolina, Mr. RADANOVICH, Mr. MCKEON, Mr. HALL, Mr. DELAHUNT, Mr. LYNCH, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. BURGESS, Mr. DOOLITTLE, Mr. ROYCE, Mr. MCCOTTER, Mr. CAMPBELL of California, Mr. POMBO, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. NUNES, Mr. GALLEGLY, Mr. MCCAUL of Texas, Mr. WICKER, Mr. PITTS, Ms. HART, Mr. SHUSTER, Mr. BONNER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHERWOOD, Mr. WALSH, Mr. CONAWAY, Mr. BARRETT of South Carolina, Mr. CHOCOLA, Mr. GRAVES, Mr. CAMP of Michigan, Mr. PEARCE, Mr. LOBIONDO, Ms. BEAN, Mr. GARY G. MILLER of California, Mr. MCINTYRE, Mr. HINOJOSA, Mr. BERMAN, and Mr. MCNULTY.

H. Con. Res. 476: Mr. ALLEN, Mr. BAKER, Mr. BARTON of Texas, Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. CANNON, Mr. CARTER, Mr. CLAY, Mr. CRENSHAW,

Ms. DELAURO, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. GINGREY, Ms. HERSETH, Mr. HINOJOSA, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCINTYRE, Mrs. MCMORRIS RODGERS, Mr. GARY G. MILLER of California, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mr. PEARCE, Mr. PENCE, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. SHADEGG, Ms. SOLIS, Mr. STEARNS, Mrs. TAUSCHER, Mr. TERRY, Mr. UPTON, Mr. WAMP, Mr. WAXMAN, Mrs. WILSON of New Mexico, Mr. WOLF, and Ms. WOOLSEY.

H. Res. 402: Ms. SCHAKOWSKY, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. ENGEL, Mr. SCHWARZ of Michigan, Mr. CONYERS, Mr. RUSH, Mr. TOWNS, Mr. PENCE, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. CARTER, Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Ms. GRANGER, Mr. STEARNS, Mr. BONILLA, Ms. PRYCE of Ohio, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. SIMMONS, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. HERGER, Mr. ROGERS of Michigan, Mrs. WILSON of New Mexico, Mrs. MUSGRAVE, Mr. MCCOTTER, Mr. WELDON of Florida, Mr. YOUNG of Alaska, Mr. SHAYS, Mr. CULBERSON, Mr. HALL, Mr. SHIMKUS, Mr. SHUSTER, Mr. ROHRABACHER, Mr. MCCAUL of Texas, Mr. ENGLISH of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. GIBBONS, Ms. HARRIS, Mr. FOLEY, Mr. RANGEL, Mr. SESSIONS, Mr. POMEROY, Ms. HART, Mr. BILBRAY, Mr. OTTER, Mr. SMITH of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. BRADY of Texas, Mr. WALSH, and Mr. MCDERMOTT.

H. Res. 518: Mr. LEWIS of Kentucky.

H. Res. 745: Mr. MARSHALL.

H. Res. 748: Mr. WESTMORELAND, Mr. WHITFIELD, Mr. FRANKS of Arizona, Mr. PENCE, Mr. COBLE, Mr. DEAL of Georgia, Mr. BILIRAKIS, Mrs. MYRICK, Mr. THORNBERRY, Mr. BOEHNER, Mr. CLYBURN, Mr. BROWN of South Carolina, Mrs. CAPITO, Mr. DUNCAN, Mr. WELDON of Florida, Mr. GALLEGLY, Mr. JENKINS, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. PAUL, Mr. SMITH of New Jersey, Mr. DOOLITTLE, Mr. RYUN of Kansas, Mr. CALVERT, Mr. WICKER, Mr. HEFLEY, Mr. BOOZMAN, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. SULLIVAN, Mr. DAVIS of Kentucky, Mr. TOWNS, Mr. MCKEON, Mr. LEACH, Mr. SESSIONS, Mr. LAHOOD, Mr. LOBIONDO, Mr. FRELINGHUYSEN, and Mr. OXLEY.

H. Res. 790: Mr. ABERCROMBIE, Mr. BAIRD, Ms. BEAN, Mr. BECERRA, Mr. BERRY, Mr. BLUMENAUER, Mr. CARDOZA, Mr. DEFAZIO, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. INSLEE, Ms. ZOE LOFGREN of California, Mr. MCNULTY, Mrs. TAUSCHER, Mr. WU, Mr. HINCHEY, and Mr. GERLACH.

H. Res. 944: Mr. BLUMENAUER, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mr. MEEHAN, and Mr. HONDA.

H. Res. 954: Ms. MCCOLLUM of Minnesota and Mr. CONYERS.

H. Res. 960: Mr. KENNEDY of Minnesota.

H. Res. 962: Mr. HINOJOSA, Mr. LANTOS, and Mr. COBLE.

H. Res. 971: Mrs. SCHMIDT.

H. Res. 973: Mr. MILLER of North Carolina.

H. Res. 974: Mr. GILLMOR, Mr. LATHAM, Mrs. MALONEY, Ms. HART, Mr. BEAUPREZ, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. REYES, Mr. MILLER of North Carolina, Mr. FOLEY, Mr. MARSHALL, Mr. PALLONE, Mr. LANGEVIN, Mr. DEFAZIO, Mr. GARRETT of New Jersey, Mr. MOORE of Kansas, Mrs. LOWEY, Mr. ROTHMAN, Mr. BISHOP of New York, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. OBERSTAR, Mr. PAYNE, Mr. ENGEL, Mr. CARNAHAN, Mr. WELDON of Pennsylvania, Mr. ANDREWS, Mr. PASCRELL, and Mr. SAXTON.

H. Res. 989: Mr. UPTON, Mr. WELDON of Pennsylvania, and Mr. CAMPBELL of California.

H. Res. 991: Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mr. SOUDER, Mrs. MILLER of Michigan, Mr. RUPPERSBERGER, Mr. ISSA, Mrs. MALONEY, Mr. KUCINICH, Mr. LANTOS, Mr. BILBRAY, Mr. TOWNS, Mr. CLAY, Mr. KANJORSKI, Mr. SHAYS, Mr. KING of New York, Ms. FOXX, and Mr. DAVIS of Illinois.

H. Res. 993: Mr. AKIN and Ms. MATSUI.

H. Res. 995: Mr. BLUMENAUER, Mr. PAYNE, Mr. BOOZMAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. CONYERS, Mrs. JO ANN DAVIS of Virginia, and Mr. MCGOVERN.

H. Res. 1012: Mr. SENSENBRENNER, Ms. WATERS, and Ms. MCKINNEY.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, SEPTEMBER 20, 2006 *No. 118*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our Father, we wait for some word from You that will set our lives on new paths. Give us the power to live as Your loyal children. Lift our hands and hearts with the inspiration of Your divine presence. Fill us with Your compassion so that we will be willing to bear the burdens of others.

Today, use the Members of this body for Your purposes. Help them to treat others with reverence, respect, and kindness. As they seek to understand each other, give them a unity of mind and purpose. In these challenging times, make them Your partners in rescuing the perishing and caring for the dying.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2006.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, following the 30-minute morning business period today, we will begin a 1-hour block of time related to the secure fence bill. When that 1 hour of debate is concluded, we will proceed to the vote on invoking cloture on the motion to proceed to H.R. 6061, the Secure Fence Act of 2006. That vote is likely to begin shortly after 11 a.m. this morning. It is my hope that cloture will be invoked. Once cloture is invoked, we would like to reach an agreement to proceed to the bill as quickly as possible.

I remind everyone that we will be finishing our business at the conclusion of next week; therefore, it will require everyone's cooperation in order to finish all of the must-do items before we depart.

TERRORIST SURVEILLANCE

Mr. FRIST. Mr. President, many Members have asked where we are with regard to the terrorist military tribunal and the terrorist surveillance legislation. With regard to the terrorist tribunal, as I have said repeatedly and restated yesterday, the legislation that leaves this Senate floor absolutely must achieve two goals: first, preserve the intelligence programs that we know have saved American lives; second, protect classified information from terrorists who could exploit it to plan another terrorist attack against the United States—preserve intelligence programs that are lifesaving and protect classified information from terrorists who can use that information against us.

As many of those watching know, after a lot of back and forth last week, Senators WARNER, GRAHAM, and MCCAIN have engaged with the administration and have sent an offer to the White House that moves toward the President to meet the goals of a program that keeps information flowing from these terrorists who want to destroy our country and kill our citizens. Without passing their plan through the Senate, these Senators have been good enough to sit down with the administration. Discussions are underway to find common ground and to move toward those stated goals. I am hopeful that very soon an agreement can be reached with the President and with the majority of Republicans who know that we need an effective interrogation program that can get information from terrorists so we can make America safer.

As well, we need a law that allows us to put these terrorists on trial for the crimes they have planned and executed against our country. Right now, we cannot do that. That is why this legislation is so important. But we need to do it in a way that we are not sharing classified information with those terrorists, who clearly will pass it on to others around the world to be used against us.

With continued cooperation, it is possible that in the next few days a resolution can be arrived at that satisfies the vast majority of Senate Republicans and the President, so that together we can all move forward in making this country safer.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership times reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the minority leader or his designee.

The Senator from Wyoming is recognized.

IMMIGRATION

Mr. THOMAS. Mr. President, I wish to comment on the issue before us today. I am glad we are dealing with this question. It is certainly one that has had a great deal of discussion and impact all over the country as to how we handle it. I think it is one of our principal issues. Certainly, there is a different view as to how it ought to be handled and all these kinds of things; nevertheless, I believe it is important that we begin to do something. Even though there are many other things that legitimately could be considered, of course, sealing the border is probably the first step that ought to be done.

The Senate, of course, passed a bill that was quite lengthy—including ways and means of dealing with those who are already here illegally—and created a good deal of discussion and debate. I didn't support the Senate bill in that I thought it was too broad in terms of dealing with people who had come here illegally, even though I do believe there are some, depending on the situation, who should be given an opportunity to go through the system. But I am pleased that we are beginning to do something.

The first thing, obviously, is to do something about the border. I am going to support the bill before us, although I don't think it is perfect. I think, frankly, there needs to be some limit on building fences. I cannot imagine building a fence, a 40-foot-tall fence, all across the border. All we would have is 40-foot ladders if we did that. But there are areas in particular where this needs to be done. I think this is an authorization where some decisions can be made with respect to how that is done.

There ought to be other things we consider along with it. One of them is that we need to have a modernized system for people coming to the United States. All of us want workers and immigrants to be able to come legally. That system needs to be modernized, made more efficient, so that those kinds of things can happen without taking a very long time. We are challenged with the notion of having some kind of identification system where we can tell easily and clearly who are legitimate citizens and who are not.

In connection with that, I believe it is appropriate for employers to be required to report as to who on their work staff is legal and who isn't. As I said, this is a difficult issue and one we need to work on.

I simply want to say I am pleased we are moving forward to do something. I intend to support this movement today for cloture. I hope we can do that so we can start to do something about this issue, which is one of the most important issues to all of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

COUP IN THAILAND

Mr. BOND. Mr. President, I have come to the Senate floor many times to talk about our great interest in the nations of Southeast Asia and to call for increased engagement and more attention to the relations between the United States and Southeast Asia.

In the early winter of 2006, I spoke about the tsunami and the impact that had on the region. Many of us, particularly from farm country, remember what happened when Thailand's currency collapsed in 1997. It brought a tremendous decline in the region and a decline in our exports. We were previously exporting $12 billion of agricultural product—much from the Midwest—to that region, and that drop of $12 billion caused the precipitous drops in the prices of commodities sold by many farmers in the grain States. So we know that it is an important trading partner.

But yesterday, a military coup took over the Government in Thailand while its Prime Minister, Thaksin Chinnawat, was in New York at the U.N. Prime Minister Thaksin had been a successful businessman. He had strong support from Thailand's largely rural population but with opposition to the urban dwellers. In 2005, his Thai Rak Thai—which means ''Thais love Thais''—I cannot understand why we didn't think of something clever like that as a name for a political party—captured 374 out of 500 seats in the House of Representatives. The opposition party boycotted it, however. There was discussion of potential corruption by the sale by the Prime Minister of his telecommunications and satellite business. He had controversies with the military, beginning when 87 Muslim protesters in southern Thailand died in security custody, and the Prime Minister was attempting to put his own people in charge of the military.

After the election, the King stepped in and asked the court to review the election. They set it aside, and Thaksin essentially resumed power as Prime Minister even though the election was overturned.

Now, it is with great concern and disappointment that we see the military coup. Our neighbors in the region have spoken out. They have expressed concern, great disappointment. And it is clear that for the cause of the country and the region, the constitutional process must be restored in Thailand and an election date set for a new democratic government very shortly.

America has had in Thailand one of its best allies. We conduct numerous joint military exercises. Thailand was responsible for the capture of the infamous radical Islamic terrorist Hambali, who masterminded the Bali bombing. We have worked closely with them.

Thailand has been the economic stronghold of Southeast Asia. It is also a constitutional monarchy, with well-developed infrastructure and a free-enterprise economy and proinvestment policies. I think the economy will recover. As far as democracy, King Bhumibol, a benign monarch who served for 60 years, exercised his considerable influence to keep Thailand moving in that direction. Thailand, which, during the late 20th century, experienced numerous coups and military coups, had not had one since 1991. I believe King Bhumibol will push for a democracy and will get back on the negotiations between Thailand and the United States for a free-trade agreement.

As I said, Thailand is key in the region. I have described that region as the second front in the war on terror because al-Qaida-related radical Islamist groups have been conducting terrorist attacks here. It is set forth in a book by Ken Conboy, describing the most dangerous terror network. There is concern that since the bombings in southern Thailand have shown that there are insurgents—some 1,700 people have died—that this might become a haven, a breeding ground for the radical Islamists, rather than the insurgents in the three southern provinces of far south Thailand.

My view is that is an overreaction. I think the insurgents have issues with the Government, but to this point, I don't see evidence that they will become a host for al-Qaida or other related groups. They generally have practiced the moderate Muslim viewpoint of Islam of the Southeast Asia region.

Also, at the same time, I might mention, as we are speaking about the battle against terrorism and modern Islam, I visited Malaysia in August. Malaysia, again, has been a country that has been making great progress. It is a democratic nation committed to progress and development and has aspired to the peaceful and tolerant teachings of Islam. It is a key economic partner. It is our 10th largest trading partner overall. It has been growing at 5 percent annually. We are in negotiations for a free-trade agreement with them. Malaysia imports more from the United States than any

country, other than Japan, in that region. I believe that a free-trade agreement will help build on that constructive partnership in fighting terrorism and ensuring other security issues.

Despite all this, I saw a disturbing trend while I was there; that is, the possibility that some of the more radical views of extremism and intolerance in religion may be raising their ugly head in religion in Malaysia.

Most recently, a Malaysian woman who was born Azalina Jailani, changed her name to Linda Joy, and has been waiting for the federal courts to approve her conversion from Islam to Christianity. It was reported that when her application came to change her religion, it was rejected, and she was sent back to the Sharia or religious courts. Her lawyer has been arguing before Malaysia's highest court that Joy's conversion be considered a right under the constitution and not a religious matter.

We are watching this case with great interest. There are reports that provinces in Malaysia are going to change their law to implement the Sharia, or harsh religious law, as law of the province.

Sixty percent of Malaysia's people are Muslim, and Christians of various denominations make up about 8 percent. The rest are Buddhist, Taoist, and Hindu. We look forward to seeing a decision reasserting Malaysia's commitment to democratic principles and a rejection of intolerant religious laws.

Malaysia Prime Minister Abdullah Badawi has been an outspoken champion of tolerance. He has pointed out the obvious political dangers of taking that road, but I hope he will not succumb to the pressures that appear to be increasing to move down a path toward less tolerant and potentially more extremist forms of religion.

The pressures for adopting harsh religious laws are also being applied to Indonesia where President Susilo Bambang Yudhoyono has been another strong advocate of tolerance, freedom, and democracy.

The Muslim countries in that region, we hope, will continue on a path of secular, pluralistic, democratic societies or the choice is to see them turn from that path to a potential breeding ground for terror and instability.

Speaking of terror and instability, one country where I am not fearful of that occurring is Cambodia, which I also visited in August. I was stunned to see the World Bank put out a list of ''failed states'' with the danger of becoming harbors for terrorism, and they listed Cambodia.

To me, Cambodia is definitely heading in the right direction in terms of fighting terrorism. They are making great economic progress. We have been cooperating with them. They have contributed to counterterrorism efforts in the region.

Prime Minister Hun Sen said:

If we aren't active enough in fighting terror, we risk becoming the hostage.

They set up a national committee to fight terrorism. After the attacks on the United States on 9/11, Cambodia offered overflight rights to support our operations.

Cambodia has contributed peacekeepers to Sudan. The United States has provided international military education and training funds for the first time, and we are planning military exercises with Cambodia later this year.

The IMET contribution of $45,000 is small, but it shows we are willing to work with them and ensure their military has civilian control, appropriate rules of engagement, and other means of conducting themselves in this very difficult time.

There is an economic issue that I hope we can resolve successfully with respect to Cambodia because they are moving on the path toward what we would want to see, and that is democracy and human rights in this part of the world and free markets.

The economy of Cambodia has been growing since 1999, boosted by a bilateral textile agreement, and we believe that has been a reason for the strong economic growth.

Mr. President, I don't see any other Senators wishing to take the floor. I ask for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, Cambodia has adopted international labor rights and standards touted by the International Labor Organization as a model for other developing countries, and they are beginning to flourish. This is a country that has half its population under the age of 20 because of the unbelievable depredations of the Khmer Rouge in the late seventies and widespread murder and genocide. But it is on the right track.

However, with the expiration of the bilateral textile agreement, countries such as Cambodia are now losing out in the competition with economies such as China and India. I strongly support and hope we can pass a measure to enhance economic opportunities such as the Tariff Relief Assistance for Developing Economies, or TRADE Act, that will allow least developed countries, such as Cambodia, to remain competitive by enhancing economic growth. They need to create a better investment environment.

They are clearly not a Thomas Jefferson democracy yet. They have had a very colorful and very deadly past, but we think that with our help and support, they can redevelop what was once Southeast Asia's rice basket—prior to the Khmer Rouge's destruction of small irrigation infrastructure and the execution of anyone with agricultural expertise—again to a strong contributing economy.

We must adopt initiatives such as these for Cambodia and for other countries in the Southeast Asia region. We have to work to continue improving education, emancipation, economic development, and promoting democracy in Southeast Asia, as around the rest of the world.

Doing so is not only good neighborly, it will not only help the Southeast Asian nations move toward economic and political reform, but it will be the most important thing we can do against the war that radical Islam has declared upon our world and keep these countries from turning to the extremist violence, the terrorism we now see primarily in the Middle East and have seen too frequently, as noted in ''The Second Front,'' in Southeast Asia.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. VITTER). Morning business is closed.

SECURE FENCE ACT OF 2006—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6061, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 6061, an act to establish operational control over the international land and maritime borders of the United States.

The majority leader is recognized.

Mr. FRIST. Mr. President, in May of this year, this body passed comprehensive immigration reform. We are a nation of immigrants, but we are also a nation of laws. We must honor both of those heritages. Accordingly, we pursued in this body a four-pronged approach to reform: first, fortify our borders; second, strengthen worksite enforcement; third, develop a strong temporary worker program; fourth, develop a fair and realistic way to address the 12 million people here already who entered our country illegally, but under no circumstances would we offer amnesty.

Unfortunately, at this point it is pretty clear to everyone that we will not reach a conference agreement on comprehensive immigration reform before we break in September. While I have made it clear that I prefer a comprehensive solution, I have always said that we need an enforcement-first approach to immigration reform—not enforcement only but enforcement first.

We share a 1,951-mile border with Mexico, and it doesn't take too much creativity to imagine how terrorists might plot to exploit that border. It is time to secure that border with Mexico. As a national security challenge, that is absolutely critical to fighting a strong war on terror. That is the approach of this bill, the Secure Fence Act of 2006, a bill on which we will shortly vote.

Earlier this year, with passage of the supplemental appropriations, we provided almost $2 billion to repair fences

in high-traffic areas, to replace broken Border Patrol aircraft for lower traffic areas, and to support training for additional Customs and Border Patrol agents. In addition, we deployed more than 6,000 National Guard troops to our southwest border, and subsequently—and this is tremendous news—we saw a 45-percent drop in border apprehensions.

But we have to do more. The Secure Fence Act picks up where that supplemental left off. It lays the groundwork for complete operational control over our border with Mexico, and it will go a long way toward stopping illegal immigration altogether. Customs and Border Protection will take responsibility for securing every inch of our border with Mexico. Engineers and construction workers will erect two-layer reinforced fencing along the border. Hundreds of new cameras and sensors will be installed. Unmanned aircraft will supplement existing air and ground patrols.

We are enhancing and fortifying our borders to entry so we will have better control over who enters the country, how they come, and what they bring. We know this approach to enforcement works. We saw a drastic downturn in illegal immigration when Congress mandated a 14-mile stretch of fence in San Diego, from 200,000 border violations in 1992 to 9,000 last year.

The Secure Fence Act is a critical component of national security. It is an essential first step toward comprehensive immigration reform. So we can't afford to demean it with partisan political stunts.

Mr. President, very shortly we will have a vote to bring this bill to the floor. But the vote isn't just about this bill. It is about bolstering national security. It is about keeping America strong. It is about ensuring the safety of each and every American. With action here to secure our border, Congress and the Nation can turn to resolving the challenges of worksite enforcement, of a strong temporary worker program, and the challenges of the 12 million illegal aliens who live among us, with respect and care and dignity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to make some comments on this legislation and ask that I be notified after 8 minutes.

The PRESIDING OFFICER. Will the Senator suspend? Under the previous order, there will be 1 hour for debate equally divided between the two leaders or their designees.

The Senator is recognized.

Mr. SESSIONS. Mr. President, we are indeed a nation of immigrants. We will always have immigrants coming to our country, and they have enriched our Nation in so many different ways. It is time for us, however, to recognize that the policies we have adopted as a Nation are not working; that the law that we as Americans respect so greatly is being made a mockery of; the system is in shambles, and the American people are very concerned about it—as they rightly should be. I believe public officials are coming to understand the gravity of the problem after the American people have led them at last to that event.

For the last 30 or 40 years, the American people have been right on this subject. They have asked for a lawful system of immigration. They have asked for a system of immigration that serves the interests of the United States of America. And they have expressed continual concern about the illegality that is ongoing. Frankly, the politicians and Government officials have not been worthy of the good and decent instincts and desires of the American people.

Finally, I think those voices are being heard today.

We want to talk about the House bill that is on the floor of the Senate today. We are asking that this legislation be considered by the Senate. The majority leader has had to file for cloture because apparently some in this body do not even want to consider this legislation. They do not want to talk about it, push it away through surreptitious legerdemain. They want to figure out a way to undermine whatever legislation has been passed and make sure nothing ever gets done. That has been the problem. I hate to say it. We have gone again and again, and we have promised we are going to do something and we tell the American people we are going to do this and we are going to do that. But they are not ignorant, they know we have not done anything, except for the last few months we began to take a few steps that had some significance. But for the last 40 years we have basically had a system driven by illegality that is not worthy of the American people, not worthy of our heritage of law, and it must end.

Let me tell you what happened in the Senate about the fencing issue. Five months ago, May 17, my colleagues, by a vote of 83 to 16, after talking to their constituents, I submit, approved my amendment to mandate the construction of at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border. That totals 870 miles of physical barriers, either a fence or a vehicle barrier. Admittedly, that was a strong vote in this body, indicating that fencing on the southern border is and should be a part of our plan to recapture a legal system of immigration in America. It remains one of our important priorities.

On August 2, my colleagues, this time, by a vote of 93 to 3, voted to fund the construction of those miles of fencing and barriers on the DOD appropriations bill as part of the National Guard effort at the border. Today we will vote again. I expect and hope that the Senate will have the votes for cloture so we can move forward with this bill and not have it obstructed from even being debated in the Senate. The miles of fencing contained in this bill are not that different from what the Senate had already voted for, 93 to 3 to fund this year.

The Senate has already voted to fund them, and we are moving forward. This bill simply requires—the House bill that has been passed by the other body—that more of those miles be fencing in designated areas.

I will make this point: We are not there yet. Just because we have had these votes, just because the House has voted for fencing, just because the Senate, by an overwhelming vote, has authorized fencing, we have not begun to construct that yet. We have to get the money, and we have to get a final bill. The amendment I offered—that passed 83 to 16—was part of the comprehensive immigration bill. That bill is not going to become law. That whole bill is not going to become law. So if we are going to commence now to build a barrier on the border, we need to pass this legislation that actually authorizes it. So don't go back home and say I voted for it, but I didn't vote for this bill. This bill is going to determine whether we actually do something and we authorize it and direct how it is to be done, not your previous vote.

That is what has been happening. We have always said we have had these votes, but when the dust settled we never made it law and never made it reality. I urge my colleagues to understand that. Without this legislation we are not going to get there in the way you previously voted, and everybody needs to understand that.

Let me tell you a little bit about what is in the legislation. The majority leader summed it up correctly. I appreciate his leadership and his strong support from the beginning for sufficient border barriers. Majority Leader FRIST is committed to a good and just solution of the immigration problem in America, but he has come to understand that we have to take steps and do some things, and one of them is fencing.

This is what this bill will do. It will establish operational control of the border. Most people think we ought to have that now but we do not. We do not have operational control of the border. So not less than 18 months after the enactment of this bill, the Department of Homeland Security must take all actions necessary and appropriate to achieve and maintain operational control of the border. Isn't that what we want? Isn't that what we have been asking for, for 30 years?

Within 1 year of enactment, and annually thereafter, the Secretary must report to Congress and to the American people on the progress made toward achieving operational control of the border. We are not going to just pass a bill this time and forget it. We are going to have some reports and some analysis so we can monitor whether we are being successful.

Operational control under the legislation includes systematic surveillance

of the international land and maritime borders through the use of personnel and technology such as unmanned aerial vehicles, ground-based sensors, satellites, radar, and cameras. Those are all going to be part of any effective system. We know that. We are not opposed to that. But don't let anybody tell you only those things will make the system work. They will not.

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. SESSIONS. Thank you, Mr. President.

Physical infrastructure enhancements to prevent illegal entry of aliens and to facilitate access to international land and maritime borders by the Customs and Border Protection Agency are important. The bill further defines operational control as the prevention of unlawful entry into the United States, including entry by terrorists, unlawful aliens, instruments of terrorism, narcotics, and contraband. Second, the bill extends the current requirement for border fencing in San Diego, requiring that fencing be installed by 2008 through several urban areas. It mentions those. All the fencing in the bill is focused on the heavily trafficked areas on the southwest border. None of the fencing extends further than 15 miles outside high trafficking areas.

Let me just say this: The system that we have today is failing so badly that last year we apprehended 1.1 million people entering into this country illegally. Tell me that is a functional system.

By sending in the National Guard, by building these barriers, by adding to the number of agents, each one of those steps will help send a message throughout the world that we are not wide open, that our borders are going to be enforced. You should not come illegally. You should wait in line and come legally.

Those are facts that I think all of us need to consider as we evaluate this legislation.

Mr. President, I see the Democratic leader here, Senator REID. I know his day is busy. I will be pleased to yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. I so appreciate the courtesy that is so normal and usual from my friend from Alabama.

Mr. President, it is so interesting that here it is 5 days before we are set to adjourn, 6 weeks before an election, and this border fence bill has been brought forward. The majority and the President have had 5 years since 9/11 to secure our borders, but they basically ignored, for 5 years, this issue of national security. Now, with the elections looming, suddenly they want to get serious about protecting America. If they want to have this debate, I am happy to join in it.

First of all, we can build the tallest fence in the world, and it will not fix our broken immigration system. To do that we need the kind of comprehensive reform that the Senate passed earlier this year. We have been waiting for months for the majority to appoint conferees so we can move forward on this bill, but they have not done that.

Mr. President, I direct your attention and that of my distinguished friend from Alabama to this document called ''Immigration and America's Future.'' I just completed a meeting with Senator SPENCER ABRAHAM and Congressman LEE HAMILTON, who are cochairs of this Task Force on Immigration and America's Future. Twenty-five of the most prominent people in America have met to recognize that our system is in bad shape. This document will be made public in a matter of hours. It will be made public today. I so much appreciate their coming and talking about what they believe is good and bad about our system. I think it is without any exaggeration that they think the House suggestion that we can do it through just security will not work.

Our bill, our Senate bill—I am sure they are not going to endorse it but, of course, they think it is better than the House bill by a far measure.

Because it appears very clear to me that the President and the majority leader are not going to help us get this conference appointed—we have waited weeks and weeks for a conference—I hope that we can, when we come back next year, do something about immigration, something serious and substantial.

I have not read this document. I have the greatest respect for the people who have come up with this document, and I think we can find a lot of substance in it. We need a bill that combines strong and effective enforcement of our borders, tough sanctions against employers who hire undocumented immigrants, a temporary worker program, and an opportunity for undocumented immigrants currently in this country to have a pathway to legal immigration. They need to work hard, pay their taxes, learn English, and stay out of trouble. Only a combination of these elements will work to get our broken immigration under control.

President Bush says he supports comprehensive reform, but he has a strange way of showing it. I heard my friend, who is one of the Senate's lawyers. Rarely does he come to the Senate floor unless he has an element of the law on which to speak. One of the things he talked about, last year they apprehended a little over a million people coming across the borders. However, that is down 30 percent from the time President Bush took office until now. Prior to that, we were picking up close to 2 million. We have a system that just does not work.

It is not just people coming across our border; it is what they are bringing across the border. The General Accounting Office reported that they were able to bring nuclear materials across our border. Now, 6 months after we received that report from the General Accounting Office, the Republicans want to get serious about border security. What has taken so long?

For years, we have had procedures and laws in place to secure our borders—not well but certainly better—and they have been virtually ignored. The September 11 Commission told the President he should work with other countries to develop a terrorist watch list that our Border Patrol agents could use to check people coming in. Did he do that? No. The September 11 Commission gave him a failing grade.

In the 9/11 Act—we all remember that—Congress provided for 2,000 new Border Patrol agents. Guess what. Like so many things, they are authorized but not paid for. We have been unable to get the President and the Republican Congress to pay for these new Border Patrol agents. We authorized them and do not pay for them.

We did not oppose the sensible fence on the border. Almost all of us voted for a 370-mile fence as part of the comprehensive bill. If I am not mistaken, it is the Senator from Alabama who moved forward to have the fence paid for. That is good. Now we have an amendment to build 700 miles of extremely expensive fencing—some estimate it will cost as much as $7 billion—with no plan to fix our broken immigration system.

The majority has made very clear they have no interest in negotiating with the Senate to enact legislation. What we are doing today is about November 7th. In addition, we now hear the majority may try to include the entire House enforcement package in the Homeland Security appropriations conference report. This is the package that the House Republicans put together after their unprecedented summer of sham hearings about the Senate's comprehensive immigration reform bill.

Among the measures included in the package is a provision making the 12 million undocumented immigrants subject to arrest and detention. This provision has long been opposed by State and local law enforcement authorities who already are stretched thin and do not want to jeopardize the policing efforts in immigrant communities.

This is clearly an effort to sneak the controversial criminalization provisions of the House enforcement-only bill through the back door. I strongly oppose this illegitimate maneuver. If the Republicans want to move forward on these provisions, they should have agreed to a conference on immigration bills that each Chamber passed.

Enforcement measures alone will not secure our border. It is crucial we get control of our border. That is without any question. But, like many of my colleagues on the other side of the aisle, and like President Bush, I believe we can only secure our border through comprehensive reform. No amount of grandstanding will change that.

This is a rehash of a battle we already have fought. The Senate has spoken and profoundly disagrees with the House. The Senate is ready to sit down with the House and work out a real solution. We need the President and the majority leader to help find the solution. We have offered practical, workable, fair solutions to solve our immigration systems. The President and the majority leader said they supported what we were trying to do, but it does not appear they are interested in real solutions, just political posturing at this stage.

On the motion to proceed to this bill, I will vote aye in the hope that the majority leader will allow Members to amend it to reflect the Senate's bipartisan support for comprehensive immigration reform. At the very least, there are certain key things we need to do. The fruits and vegetables in our country are being thrown away at harvest time because we do not have the people to pick the fruit and vegetables and work at the processing plants. I hope that amendment would be allowed—at least the farm workers provision.

I wish we were in a different position. I, again, direct my colleagues' attention to this work done by Senator ABRAHAM, Congressman HAMILTON and 23 others. It is a bipartisan group. As I have indicated, I have not read this—I have gotten a briefing on it—but we need to have a new direction in immigration in this country. Hopefully, this document will allow that new direction.

Again, I so appreciate my friend allowing me to speak. I appreciate it so very much.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Democrat leader and his citing of that report. I look forward to reading it.

The reason that is important, this so-called comprehensive reform bill that actually passed the Senate, with a substantial number of no votes, is nothing more than an extension of the current failed system. It is not a comprehensive reform of immigration at all.

We had a hearing last week at my request. We had some of the best minds in America on immigration. They said our present system is completely ineffectual. I think that is fair way to summarize what they said.

They all spoke favorably of the Canadian plan, the Australian plan, and other plans being developed by developing nations around the world. It makes every sense that we do that. I am looking forward to analyzing that report. I am confident it will be further evidence that business as usual in immigration must end.

Next year we need to come forward—and I will commit to working with my colleagues—and have a real dialog on what immigration should be for America. The seminal expert in America, Professor George Borjas, himself an immigrant, at the John F. Kennedy School at Harvard, has written the most authoritative and best-known book on immigration, ''Heaven's Door.'' He just testified at our hearing last week. He has said in his book and in his testimony, fundamentally, America needs to ask this question: Are you crafting an immigration policy that serves your national interests?

If that is what we are doing, then he has some ideas that help us do that. But that is not what we have been doing. We have never had a discussion of the Canadian plan that gives preference to people with education. We have never discussed the Canadian plan that gives preference to people who already speak English. We have not discussed the system in Canada that gives preferences to people who bring business investment or have skills that are important in the workplace.

Isn't that what a rational nation would do? This bill that passed the Senate is fatally flawed. We need to start over completely. I believe, that report will validate the things I just mentioned.

Of course, let me say to all of our colleagues, no one suggests that building a fence is the end to the problem. Mr. T.J. Bonner, head of the Border Patrol Agents Association, testified at our committee. He said there are two things we need to do: We need to strengthen the border and eliminate the magnet of the workplace by cracking down on illegal hiring in the workplace.

The Senator from Nevada, the Democratic leader, is correct. We have seen some reduction in the numbers being apprehended. I hope that indicates we are seeing a reduction in those attempting to enter the country. I believe it does.

What should that tell us? That should tell us that if we continue to take strong steps, we can end this worldwide perception that our border is wide open, that anyone can come through our country legally or illegally and end that whole perception and shift toward that magic tipping point where people realize they are not going to be successful getting in our country illegally, and they are not going to be able to get a job once they get here. We can do both of those.

The American people need to know, our Members of Congress need to know, if we continue the course we are on and actually follow through on the things we have discussed, we can create a lawful border. It is not impossible. Don't have anyone say that is impossible. It is part of the steps. To say we should not do border fencing because that is just one step and that is not the whole thing is silly. If we have to take 20 steps to get to the goal, why say it is worthless to take 2 of those steps? Certainly we ought to take the steps we know we can do right now.

The American people are a bit cynical about what we are doing. The leader asks, Why do we want to bring it up now? We are about to finish the session, and we still haven't gotten it done. I don't want to go home without having done some things to improve the legal system of our border. I don't think most Members do. We have to get it done. We should have already had it done. I agree with that.

I was sharing some thoughts before the minority leader, the Democratic leader arrived, about what is in this bill, how it actually is effective and will actually work and will actually reduce the immigration in our country from illegal sources by a significant amount.

I was able to travel with Senator SPECTER, chairman of the Judiciary Committee, to South America recently. We were in a number of countries. We saw a report on polling data in Nicaragua that said 60 percent of the people of Nicaragua would come to the United States if they could. I mentioned that to the State Department personnel in Peru. They told me that 70 percent of the people in Peru would come to the United States if they could, according to a recently published poll. This is a wonderful place. America is a great country. All over the world, millions and millions and millions would like to come here. We cannot accept everyone that would like to come. I wish we could, but it is just not possible.

We need to set standards and appropriate behaviors to create a system that is lawful, No. 1; also, a system that lets people come in on the basis of merit and what is in the best interests of our country.

The House bill we are now considering has some important and valuable things in it. It calls for interlocking surveillance camera systems that must be installed by May of next year. They are going to keep waiting. How much longer can this go on? We need Homeland Security to get moving. It says all of the fencing must be installed by May of 2008. That is a good step. That says we are going to get serious and we are going to do something.

Laredo-Brownsville would be given until December of 2008. The bill provides the Secretary of Homeland Security the flexibility to substitute fencing with other surveillance and barrier tools if the topography of a specific area has an elevation or hillside of greater than 10 percent.

I ask what the balance is on both sides.

The PRESIDING OFFICER. The majority side has 11 minutes remaining and the minority side has 20 minutes remaining.

Mr. SESSIONS. Mr. President, the bill that is before us today requires the Secretary, not later than 30 days after passage, to evaluate the authority of our Customs and Border Protection agents to stop vehicles that enter the United States illegally and that refuse to stop when ordered to stop. Compare that authority with the authority given to the Coast Guard to stop vessels on the high seas that don't stop

when they are ordered to stop, and to make an assessment about whether the Border Patrol authority needs to be expanded. We have a real problem with people just riding by and placing people at risk by not stopping. That situation needs to end.

We need to give our agents authority sufficient for their own personal safety and the protection of the laws of this country.

The Secretary would be required to report his decision within 60 days.

The bill further calls for a northern border study to assess the feasibility of a state-of-the-art infrastructure security system. The report will assess the necessity for such a system, the feasibility of implementing a system, and the economic impact of the system.

We need to look at the northern border. We are not arresting 1 million people-plus a year on the northern border. It does not have anything like the impact of the movement of people illegally such as we have on the southern border, but we need to watch that, too.

Fencing is proven. In San Diego, where they built a fence a number of years ago, crime has fallen dramatically. According to the FBI Crime Index, crime in San Diego County—the whole county—dropped 56 percent between 1989 and 2000. Can you imagine that? Just by ending the open border that existed, vehicle drive-throughs where they do not stop—and the reason they have fallen from between 6 and 10 a day before the construction of the fence, to only 4 drive-throughs in 2004, the whole year.

This is a mockery of law when 6 to 10 people are just driving through the border ignoring the Border Patrol officers who are there. What kind of mockery of law is that?

Fencing has reduced illegal entries in San Diego.

According to the numbers we have, apprehensions decreased from 531,000 in 1993 to 111,000 in 2003. That is by four-fifths. That is only one-fifth the number being arrested today as there were 10 years ago as a direct result of serious enforcement bolstered by physical barriers.

Fencing has also reduced drug traffic in San Diego. In 1993, authorities apprehended over 58,000 pounds of marijuana coming across the border. In 2003, only 36,000 pounds were apprehended. In addition, cocaine smuggling decreased from 1,200 pounds to 150 pounds.

I am glad to hear that the majority leader—and the Democratic leader—indicated he would move to have this bill come forward on the Senate floor. If there is some tweaking which needs to be done, that will give us an opportunity to do that.

I think the bill is fundamentally sound in all respects. I urge my colleagues to look at it. I think they will feel comfortable that it is consistent with their previous votes in this body for a fencing measure.

But the Members of our body need to understand that our first vote on fencing, which we authorized on the immigration bill, is not going to be effective because that bill is not going to pass. It was an amendment to that bill. If we are going to do anything before we leave this year—and the American people should be watching us carefully—this is what we need to do. We have an opportunity now to stand up and make real what we have talked about and what we voted for. If we don't do it, we will not make that reality come into effect, and we will not be faithful to the promises we made to our constituents. And, once again, we will see this kind of cynicism and disrespect for Congress because of our inconsistency in what we say and what we do.

Too often I have observed in this body when we come up with an idea about immigration that does not work, it will pass. If you come up with something that actually does work, for some reason or another, even if it is voted and passed in one body or other, it never seems to really become law. This time we need to make our legal system work.

I thank the Chair.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 4 minutes 10 seconds.

Mr. SESSIONS. Mr. President, I am convinced that physical barriers at our borders—fencing in particular—are an important and central cost-effective solution to border security.

My colleague, the Democratic leader, has used a figure of $7 billion. We think that is greatly exaggerated. We believe it can be done for much less than that, although that money has been floated. A private contractor has indicated he could do it for about $1.8 billion, and that is the money we put into the bill. And with the help of the National Guard, I think we ought to be able to build fencing at a rate far less than that.

I note that this is a one-time expenditure. This expenditure is going to reduce the 1 million apprehensions a year dramatically. A barrier like this will enhance the ability of each and every single Border Patrol officer to do his or her job. It will enable them to be far more effective. It is going to enable us to not have to hire nearly as many people. It will send a signal to the world that our border is not open. That means we will need fewer bed spaces.

We are going to be moving toward reaching that tipping point where the border is perceived as being closed, where the legal system is being honored in America again, and where we can make a difference in this whole system. Manpower alone cannot work.

Are they going to have to stand every 500 yards on the border and try to catch people? When you apprehend somebody, you have to pay to take them to a facility and then take them back across the border; or if there is some distant country, pay for a plane ticket and send them back home and put them in a detention place until that occurs. We think we need a catch-and-release program. But even if we do this, it is still very costly.

A fence is going to save us billions of dollars over the years. It is going to allow us to be effective, with fewer Border Patrol agents. It is going to help us reach that tipping point where we will need far fewer bed spaces and far fewer planes to charter to take people back home. We will have far fewer efforts to move people back across the border, at a great savings to this country. This is a cost-savings bill. It is a statement bill, I submit. When you count the costs of salaries and the time and insurance for our Border Patrol, the risk at which they are placed, a fence is going to be a tremendous asset to them. We will have a roadway so they can move down in their vehicles along the border to pick up people who have entered. The word is going to get out that it is not easy to do that anymore.

There are a lot of other things we need to do. We need to clarify the current law as it exists.

Along with my staff person, Cindy Hayden, a lawyer on the Judiciary Committee, my chief counsel, we wrote a Law Review article for the Stanford Law Review. We talked about the authority of the local law enforcement officers. They have authority in most instances, but it is blurred and confused, and as a result most State and local law enforcement officers are afraid to do anything. We need legislation that will fix that. We need the workplace enforcement.

All of these are steps that need to be taken so that people can't come into the workplace fraudulently and get a job as they are today. Those things can be done, but a critical part of this entire process is securing the border first. The American people expect us to do that.

This legislation gives us that capacity. We can make that difference, and the result will be that we are going to see further improvements in the number of apprehensions.

Then, next year we need a good dialog. As Senator HARRY REID said, we need to take Professor Borjas's book, ''Heaven's Door,'' and take other testimony that we have seen and reviewed and build on that and develop a comprehensive program that we can be proud of, that will allow talented immigrants to come here, people whom we know scientifically from studies and analyses will be successful in America, who will pay more in taxes than they take out. And the numbers are really scary.

Large numbers of people coming in today are high school dropouts, do not have a high school diploma. According to the National Academy of Sciences, a person coming into our country without a high school diploma, over a lifetime, will cost the U.S. Treasury almost $90,000. Think about that. They

will have a low-wage job. They will not be paying income tax. They will be receiving other benefits. That does not include extra schools and highways that will have to be built. It only includes what they will be getting in terms of earned-income tax credit or Food Stamps and other benefits such as medical and the like.

We are moving now. The American people's voices are beginning to be heard. But I think we are going to have to study this issue. If the American people will stay in tune, if they will insist on the highest and best values, including law and decency and generosity and a positive view of immigration, we will have all those values at play in our decisionmaking process. We can come up with legislation next year that actually could do more good than most people realize.

I can't tell you how exited I am about it. But it is absolutely essential that we take steps today to gain credit with the American people; to have them understand that we are listening, that we are going to make the legal system work. And then we can enter into a dialog with them next year to develop, as Professor Borjas's book says, policies that serve the legitimate interests of our Nation.

Why shouldn't we do that? Other countries are doing that. Are we saying that Canada is not an advanced and humane nation? Are we saying that the policies that New Zealand adopted are not humane and decent and effective? Look at it. We will find that they are. In fact, they allow quite a number of people to come into their country every year, but they try to allow those to come who have the best chance of being the most successful.

It has exciting possibilities for us. It is important that the misguided legislation that has come through this Senate has now ground to a halt, that the House has flatly rejected it, and that we in our own body are reevaluating it—I think rightly—and we will be at a point where we can start over, start afresh and develop a comprehensive plan.

Let's get credibility with the American people.

Let's make this border a lawful border again, and we will see a reduction in crime. We will see increasing economic and commercial development in the areas where enforcement becomes a reality. We can tell the world that you have an opportunity to come to our country, but you are going to have to meet standards. You will have to apply, and you will be objectively and fairly evaluated. And if you meet those criteria, you will rise up in the list. If you do not, you may not be able to get in. We are sorry, because everybody cannot come in here. We wish it were different, but it is just so. We cannot accept more and more and more. We have to decide what the right number is, what skills and assets they bring that we want for our country, and make a selection process on that basis. It is really exciting, that possibility.

In our situation today—I say to my colleagues, I would like to share this one thought with you—and I am sure the report that Senator REID mentioned probably has some discussion of it because it is a defining event—only 20 percent of the green cards—that is the card that gives one permanent residence in the United States—only 20 percent of those are given out based on the skills of the applicant. Think about that. How can that be in our national interest? The experts we have heard say it is not in our national interest. Canada and other nations have analyzed this. They have decided that is not where they want to go. So they are trying to get to 60, to 70 percent based on skills.

Yes, we will always have those subject to persecution around the world, humanitarian cases, who we will allow in our country. But the number and the way we are doing it now is not a sensible way to proceed.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I notice that none of my colleagues are here. Senator REID, I am pleased to say, indicates he will be supporting moving forward to the bill and cloture. I will take time, as we are heading up to the hour to vote, to share a few additional thoughts.

The only way we are going to get an authorization of the fencing is to pass this amendment. The authorization for border barriers I offered as an amendment, which was adopted as part of the comprehensive so-called immigration bill, will not become law because that bill will not become law. This is the way we have now to do it.

The House has passed a bill that is thoughtful, that makes sure we are not playing a shell game with the American voters but that we actually create a mechanism to ensure that the fencing gets built on a timetable. It includes a number of other things, such as technology and sensors and the like.

The second aspect of the legislation is very, very important. We voted in this body 93 to 3—and the majority leader and the Democratic leader both made reference to it—to fund it at $1.8 billion. That was a commitment we made. We said we were for that. This budget that we passed has $20 billion set aside for emergency funding as part of our budgetary expectations for this year. How much of that will go to homeland security? We have to be careful to watch. And even though we authorized these barriers at the border, which are going to make a huge, huge difference in reducing illegal entry into America—it is going to be so positive—but if we do not fund it so we can actually build it, it cannot be built. That requires an appropriations.

So I am getting worried about that. I am hearing some things—that the $1.8 billion we passed with such an overwhelming vote may not be funded. So isn't that the shell game we are talking about now? Isn't that the deal? We thought we had done it on the Defense bill. It would be built through the National Guard who is already on the border. And the money would go to them to supervise, to contract out, or utilize their own personnel to construct this fencing.

That is what we thought we had done. But as often happens around here, subtle things happen. You think you have something in your hand and like a will-o'-the-wisp it just disappears. I hate to use the words ''shell game'' because it is not always planned out that way, but the effect can be the same. First you think you have it, and then it disappears. You think it is under that shell, you think you have it, and it is not there.

So I am going to have to tell our leadership on both sides of the aisle I am pleased to see we have a commitment to building the fences. We voted twice now, and the House has overwhelmingly voted for this. But we need to make sure we don't play a shell game where we don't have the money at the end to build it because somebody wants to spend it on a pet project they have.

This is a matter of national interest. It is a matter of national security. It is a matter we cannot fumble the ball on. It is a matter we are committed to by our previous votes. So let's make sure we do it. And setting priorities is what we do. That is what we are paid to do. We cannot do everything. So we will have a bit of a test as the session winds down to see if the appropriations process—the actual appropriating of the money to do the things that are needed to be done—is carried out and the funding is there and the barriers are built.

Again, I repeat, this would be a one-time expenditure. I believe the numbers we are hearing are too high. We felt like $1.7 billion, $1.8 billion would do the 370 miles of fencing, including 500 miles of vehicle barriers. There is enough money to fund that. But if we are going to have to have that, we can't have no funding, a third of the funding, or a half of the funding or we are not going to be able to do this job. And if it turns out we are wrong and the cost is higher than we expected, we are not going to come close to doing what we are telling the American people we intend to do. So we will have to watch that.

I will just share, in conclusion, my thoughts about the nature of the American Republic of which we are a part. It is a good and decent nation. We have a positive view of immigration. We have been a nation of immigrants from our founding. We believe in immigration. But we are also a nation of laws.

I was a Federal prosecutor for 15 years, and it breaks my heart to see the Federal United States law be made a mockery along the border of our country, that without fencing people are driving by, and not even stopping when the Border Patrol attempts to detain them.

We had a hearing yesterday on crime in America. We had the Director of the Bureau of Prisons. He told us that in the Federal prison penitentiaries 27 percent of the people detained are not American citizens. Can you imagine that—27 percent?

Now, I am absolutely convinced that overwhelmingly the people who come to our country are law-abiding; even if they come to our country illegally, they are law-abiding, other than their entry. But I have to tell you, if I were in big trouble somewhere in some foreign country, and they were trying to arrest me in my hometown, and the chief of police knows my name, and I am facing a big, serious crime, why would I not want to scoot across the border and go to the United States where nobody would know me?

I think we are picking up an excessive number of people who may even be fleeing prosecution in their towns or people who have come here to set up drug distribution networks and things of that nature. So somehow we are picking up a larger number of the criminal element than we ever have. When I asked Mr. Lappin about the prison system and the fact that he said 27 percent of the people in the Federal penitentiaries are noncitizens, I asked him: Does that include those we detain at the border who are being held waiting to be deported? He said, No, it does not even include those.

So this Nation, in our own interest, has every right—indeed, we have a duty to our people—to make sure our borders are not wide open, terrorists do not come here, drug dealers do not come here, people in trouble for sexual offenses and child pornography and those kinds of things, and child abuse, who flee their own countries, do not run across the border to safety in the United States, where they are never apprehended and live here.

So this is all part of it. If we are coming through with the right funding, we will be successful in taking the historic step to creating a lawfulness in this country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I wish to say a few words before we move to the cloture vote on H.R. 6061, the Secure Fence Act of 2006. Colleagues, the purpose of the fence is to prevent illegal pedestrian and vehicular traffic crossing the international border of the United States with Mexico.

This bill does four main things. First, it authorizes over 700 miles of two-layered reinforced fencing along the southwest border with prioritized placement at critical, highly populated areas. Second, the legislation mandates that the Department of Homeland Security, DHS, achieve and maintain operational control over the entire border through a ''virtual fence'' that deploys cameras, ground sensors, unmanned aerial vehicles, UAVs, and integrated surveillance technology. Third, it requires DHS to provide all necessary authority to border personnel to disable fleeing vehicles, similar to the authority held by the U.S. Coast Guard for maritime vessels. Finally, the bill requires DHS to assess the vulnerability of the northern border.

Some of my colleagues ask why we need these additional border control tools. When combined with high-tech detection devices, a secure fence should make attempts to cross our border more time-consuming so that the Border Patrol has time to respond and catch those trying to breach the border. Having a state-of-the-art border security fence system should ensure that it cannot be easily compromised. The business of apprehension is manpower-intensive, slow, and legally complex. If we only build a ''virtual fence'' without additional physical barriers, we will spend millions on technology that is subject to ordinary downtime and then spend even more money to chase down, apprehend, process, and deport the illegal border-crossers.

I believe instead we should add these tools to the toolbox of the Border Patrol, as requested by DHS. An increased manpower alone approach would have the Border Patrol remain vulnerable to decoys and other tactics designed to draw our border agents into one area so that another area is left exposed. This fencing will help border control efforts and will not be an inhibitor to legitimate entry to this country.

More importantly, we know that fencing works. With the establishment of the San Diego border fence, crime rates in San Diego have fallen off dramatically. According to the FBI Crime Index, crime in San Diego County dropped 56.3 percent between 1989 to 2000. Vehicle drive-throughs in the region have fallen from between 6 to 10 per day before the fence to only 4 drive-throughs in 2004, and those occurred only where the secondary fence was not complete. According to numbers provided by the San Diego Sector Border Patrol in February 2004, apprehension decreased from 531,689 in 1993 to 111,515 in 2003.

The Senate should take up and pass the Secure Fence Act of 2006 and give the Border Patrol all of the tools it needs to do its job. The Senate should send a clear message that we need this fence and we need it now. Let's send this bill to the President before we leave at the end of the month.

Mrs. HUTCHISON. Mr. President, I rise today to again voice my strong support for securing our Nation's borders, which remain porous. We must immediately address this threat to our national security.

I have consistently supported and voted in favor of border security efforts such as the installation of reinforced fencing in strategic areas where high trafficking of narcotics, unlawful border crossings, and other criminal activity exists. I have also supported installing physical barriers, roads, lighting, cameras, and sensors where necessary.

However, I object to the Congress making decisions about the location of border fencing. These decisions should be made by State and local law enforcement officials working with the Department of Homeland Security, not dictated by Congress. The border States have borne a heavy financial burden from illegal immigration; their local officials are on the front lines. They should be part of the solution.

Ours is a nation of laws and we must be a nation of secure borders. I stand resolved to work with my colleagues to enact meaningful legislation in this session of Congress that addresses border security first and enacts comprehensive immigration reform.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the clerk will report the pending motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 615, H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

Bill Frist, Ted Stevens, Robert Bennett, Lisa Murkowski, Mike Enzi, Pat Roberts, Jeff Sessions, Orrin Hatch, Wayne Allard, Thad Cochran, James Inhofe, Trent Lott, John Ensign, Jon Kyl, Tom Coburn, Mitch McConnell, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 6061, the Secure Fence Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) would each vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 0, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—94

Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Talent
Conrad	Levin	Thomas
Cornyn	Lieberman	Thune
Craig	Lincoln	Vitter
Crapo	Lott	Voinovich
Dayton	Lugar	Warner
DeMint	Martinez	Wyden
DeWine	McCain	
Dole	McConnell	

NOT VOTING—6

Akaka	Inouye	Kerry
Dodd	Kennedy	Menendez

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. STABENOW. Mr. President, I ask unanimous consent to claim my 1 hour at this point and ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB LOSSES

Ms. STABENOW. Mr. President, I rise today to talk about the most pressing issue that I believe families feel across this country and certainly in my home State of Michigan, and that relates to the squeeze that families are feeling on all sides today. It starts with the issue of jobs. We see that almost 3 million jobs have been lost in the manufacturing sector in the last 6 years—almost 3 million jobs. When we look at this chart, under this administration we see that we have the slowest job growth of any administration in over 70 years. We have to go back to Herbert Hoover to see the kind of job loss that we are now seeing—the slowest job growth in over 70 years.

In my home State of Michigan it is even worse than that, because what we are seeing is the impact of a lack of a 21st century manufacturing strategy on those in my State who have been the global leaders—who are the global leaders—in manufacturing. Almost 3 million jobs have been lost in manufacturing alone, and 260,000 of those jobs have been in manufacturing in Michigan.

Now, to add insult to injury, we see expenses going up on all sides for families. They are losing good-paying jobs.

Mr. SARBANES. Mr. President, would the Senator yield for a question about the previous chart?

Ms. STABENOW. Absolutely. I yield to my dear friend who is the ranking member on the Banking, Housing, and Urban Affairs Committee.

Mr. SARBANES. Mr. President, as I understand it, this figure here reflects the amount of annual growth rate of employment under the Bush administration.

Ms. STABENOW. That is correct.

Mr. SARBANES. At four-tenths of 1 percent.

Ms. STABENOW. That is correct.

Mr. SARBANES. We should compare that with the job growth that has taken place in all of these previous administrations. This is the smallest amount until we get back to Herbert Hoover, is that correct?

Ms. STABENOW. Absolutely. Prior to the Great Depression.

Mr. SARBANES. Right. It is a matter of very great concern. This chart is a dramatic demonstration that this so-called economic recovery has not really produced jobs, which, after all, is one of the main purposes that we seek in terms of the workings of the economy.

Ms. STABENOW. Absolutely. In my home State of Michigan, because we are the global leaders in manufacturing, and I know in my good friend's home State of Maryland it is the same way, in terms of manufacturing, that number is even worse because of the lack of effectiveness in enforcing tradeoffs, because of our inability to address health care and being able to change the way we fund health care, because of the lack of investment in education and innovation. That number does not reflect the fact of the impact of the loss of good-paying jobs, the kind of jobs that have built the middle class of this country.

Frankly, I am very proud to represent a State that has been at the forefront in the auto industry, with an industry that has created the middle class in this country—middle class jobs, not only in autos, in furniture production, in other manufacturing.

The reality is that we have lost almost 3 million jobs that created the middle class of this country. Even though there has been just a tiny little bit of an increase here over all, we see it is the lowest, slowest job growth of any administration. We have to go way back to Herbert Hoover to find an administration that has a worse jobs record than this particular President.

I have to say it is particularly insulting to those of us in Michigan who, given this record and the fact that we have almost 3 million jobs that have been lost, and 260,000 manufacturing jobs in Michigan alone, that when the President of the United States came to Michigan a couple of weeks ago to do political fundraising, he didn't have 30 minutes to meet with the auto industry. He didn't have 15 minutes to meet with the executives of the largest employers in the country. In fact, he has postponed or canceled I believe three different meetings with them and now says he is prepared to meet with them after the election.

This isn't about elections. This isn't about politics. This is about a fight for a way of life. This is a fight for a way of life in this country. While he is waiting until after the elections to meet with the auto industry and to begin to engage to do something about these numbers, we have folks who are facing layoffs today. We have headlines. We have Ford Motor Company and their latest headlines. We have struggles going on throughout the industry. Every day, somebody in Michigan gets up in the morning and worries about whether or not they are going to have a job, worries about whether or not they are going to be able to afford to send their kids to college, whether or not their health care is going to still be there, and whether or not they are going to be able to pay for it.

To add insult to injury, too many people who have worked all their lives and who have paid into a pension are now finding themselves in a situation where that pension won't be there. I think that is the ultimate outrage. In the United States of America, I never thought I would have to stand on the floor of the U.S. Senate and say somebody may be in a situation to lose a pension they have paid for their whole lives. We addressed this issue on a bipartisan basis, and I am very proud we put in place efforts that are going to save many of those pensions because of the work that we did a few weeks ago. But too many people still find themselves on the line as a result of that, and that should not be an issue. Bankruptcy or no bankruptcy, in this country you ought to get your pension, period.

So we have a situation where more and more families are on the edge, more and more families who believe in America, who believe in playing by the rules, who get up every day and work hard at one job, two jobs, three jobs, and still find themselves falling more and more behind.

On top of the job situation that they are concerned about, they are being squeezed on all sides by all of the other costs that relate to their families. We see, for instance, a 44 percent increase in the cost of college tuition, room, and board—a 44 percent increase. So here we are, we are in a transition. We hear that the economy is changing. We need to be investing in education. We need to be investing in opportunity for the future, and in innovation and, at the same time, we see the costs going up, and the exact opposite policies are being put in place in terms of cutting opportunity for people.

We all want our children to have a better opportunity than we have had. I am very fortunate to have two children who have worked their way through school and a wonderful stepdaughter who just graduated. I understand about

student loans and what that means. I know the costs have gone up, because we have watched them go up over the last several years. There is no question that families are feeling more and more squeezed as it relates to creating opportunity for their children to be successful, and that makes no sense in this country. That makes no sense at this time when we could be doing something about it.

Health insurance premiums have gone up 71 percent. Seventy-one percent under the Bush policies and this administration—71 percent. Now, this is an issue for us in Michigan with not only families and individuals who are struggling to be able to pay for what I believe should be a right in this country, not a privilege, which is health care, but we know what it is doing to our businesses as well. We know that in a global economy, we are the only industrialized country that pays for health care the way we pay for it. So we add to the burdens on our manufacturers, our small businesses, and others by having health care predominantly on the backs of business

To make it even worse, we end up, because of our system, because of the craziness of our health care system, paying twice as much of our GDP for health care as any other country, but we have 46 million people with no health insurance. What is wrong with this picture? The United States of America has the highest infant mortality rate. Shame on us. We can do better than that. All this takes is a matter of political will, to make the changes that are necessary so no family has to go to bed at night praying that the kids are not going to get sick; no small business has to worry about whether they are going to be able to find health care for themselves and their employees; and no manufacturer should have to worry about whether they are going to be able to compete internationally and still provide health care for their workers.

Health care costs have gone up 71 percent. To add insult to injury, gasoline prices experienced a 104-percent increase. They are coming down now. They are coming down a little bit before the election. We know what will happen after the election. And we also know what has happened to people trying to go to work, trying to take the kids to school.

In my home State, in Michigan, where we have a very robust tourism season, we want everybody to be able to go to the cottage up north, take the boat out, and enjoy the wonderful Great Lakes or go fishing on the inland lakes and rivers. This is a major economic factor for us, gas prices. What happens to individuals who have to take more money out of their pockets just to be able to get to work? Maybe this summer they didn't take that trip they normally take, which means our small businesses up north were hurt. It means economically we are not seeing the robust investment in tourism that normally we have seen in Michigan.

Families are being squeezed on all sides. This is just a fraction of the cost we have seen going up. What has been the response of this administration? What has been the response of the Republicans in Congress? Unfortunately, the response has been, first of all, to block our efforts to ban price gouging. As part of the Energy bill that passed a year ago, an amendment of mine was agreed to that required the Federal Trade Commission to do a complete investigation of price gouging. It took them way too long, but they finally came back and indicated that on the surface of it, they didn't think it was happening and they really didn't have the tools. We had not defined price gouging so that they could really be serious about that. The administration basically took a pass on whether there is price gouging. So we introduced legislation to define it. That has not been able to move because there has been no support to do that.

Health care costs? We could go on and on in all of the areas in which, instead of coming together and doing what we can do, efforts have been blocked. Here are some of the basics, starting with the Medicare prescription drug program. Instead of having a plan that works for seniors and the disabled, a plan was written that was great for the drug industry. Included in that was the outrageous provision that we are not allowed—Medicare is not allowed to negotiate group discounts. Can you imagine that anywhere else? Anybody knows bulk purchasing is cheaper, negotiating group prices is cheaper. Yet, in the area of Medicare, in behalf of the industry, that is prohibited.

What is the result of that? First of all, we have a Medicare plan, essentially, that is privatizing Part D, requiring those to go through private insurance rather than directly through Medicare. There is just a great big hole. Some folks have called it a doughnut hole, this gap in coverage, because there is not enough money to pay for complete coverage because they can't negotiate group prices. All the money is going to the industry rather than going to make sure there is comprehensive coverage.

There is a better way to do that. I am introducing legislation that would allow us to go directly to Part D. Any senior, any person with disabilities, could go directly to Medicare, sign up under Part D under the normal copays and premiums, go to their local pharmacy, they negotiate prices, we eliminate the gap in coverage, and folks would get what they need without all of the confusion and complexity. But that has stalled. We have not been able to move that forward because of the administration and those in control.

Mr. SARBANES. Will the Senator yield for a question?

Ms. STABENOW. Absolutely.

Mr. SARBANES. Isn't it the case that the VA, in providing health care for veterans, can use its bargaining position with the pharmaceutical companies to get lower drug prices and therefore is in a better position to provide more extensive coverage for the veterans as a consequence? But on the Medicare for our seniors—I remember the Senator opposing that provision so strongly here on the floor—it is prohibited that Medicare enter into this bargaining with the pharmaceutical companies, bulk purchasing, in order to get lower prices on the drugs?

Ms. STABENOW. The Senator is absolutely correct. We have the model. It is the VA. They have done it very well. They have been able to get a better deal, anywhere from a 35-percent to a 40-percent lower price because they negotiate prices. I don't know anywhere else in the Federal Government where we are not trying to get the best price, where we are not trying to negotiate, except in the area of prescription drugs, except in the area of lifesaving medicine where somebody may need it or they may not be able to live or may not be able to treat their symptoms for high blood pressure or diabetes or get their heart medicine or get their cancer medicine—except in the area that is lifesaving.

Even with the VA, which does a marvelous job in negotiating prices, we are able to do that in every area except Medicare—Medicare, the health care system for older Americans and the disabled. It is the only place where the decision was made to go with the drug companies rather than to go with the people who are on Medicare.

There are so many areas in health care costs we should be addressing—health IT, bringing down the cost of prescription drugs with the use of generic drugs, addressing the issue of health care costs. Senator DURBIN and Senator LINCOLN have a very important proposal that would allow small businesses to pool together nationally and to be able to have a pool—whether it is Blue Cross, whether it is other private insurance, whether it is HMOs—be able to pool together to get the best price. That came to the floor and was voted down.

I have legislation that would provide a catastrophic tax credit for our manufacturers. We know about 1 percent of employees in a business will be seriously ill during the year, but it is 20 to 25 percent of the cost of the health care paid during that year. We could take a major step forward if we provided a tax credit for catastrophic costs to help our manufacturers and our businesses.

This is not rocket science. It is about having the political will and the right values and the right priorities. This has not happened here, and every day people continue to struggle with their health care. Too many people end up in emergency rooms where we pay twice as much because they are sicker than they should be and they are not getting the care at the time they should be getting it. They get treated. The hospital, of course, does the treatment, as it should. Then the costs roll over onto everybody with insurance. That is why

we pay so much for health care, and we in the Senate should be focusing on this as a No. 1 priority.

I mentioned college tuition before. Right when we need to be focusing on more opportunity for people in a changing economy—we all talk about education all the time—what happens here? Right before Christmas, we had the largest cut in student loans in the history of the country, $12 billion. For everybody who had to refinance their loan by July 1 and saw their interest rate go up, it was as a result of that.

Then, on top of that, we see the President proposed the largest cut in education for next year, the largest ever proposed since the Department of Education was established. Who would believe that at this time, in a global economy, that we ought to be proposing and passing the largest cuts ever suggested for education? These are the wrong priorities and the wrong direction.

And then, certainly, time and time again, we have tried to pass a minimum wage bill that truly raises the minimum wage for everyone. It is something that makes sense. It is something where workers in every State will find that their minimum wage will be raised.

Let me just say that I see our distinguished colleague here, Senator REED, who has played such a distinguished role on economic issues, and I will yield to him to speak in just a moment, but when you look at the numbers and you look at what is happening to families across this country, we need a new direction. We need a new direction. We need to create a new set of priorities based on a different set of values that put Americans first—American businesses and American workers.

What I see happening in this country is a willingness by the President and those in charge of Congress to accept a race to the bottom in a global economy. Too many workers in my State have been told: If you only work for less, pay more in health care, and lose your pension, we can be successful. That is a lose-lose strategy. First of all, there is always going to be somebody in another country who can work for less.

I don't want to win that race. Nobody in Michigan is interested in winning a race to the bottom. What we understand is that we need to do what America does best, which is make this a race to the top. In order to make it a race to the top, we have to have a level playing field on trade. We can compete with anybody if the rules are fair, if it is a level playing field. We have to change the way we fund health care and address health care costs for businesses and families. We have to change. We have to start passing legislation that addresses health care in a positive way, to truly bring down costs, not just shift them around but bring down costs in a real way and make health care available and affordable and support businesses and families.

We have to continue to say we are going to protect pensions. We did make a step forward in that area, and I am proud that we did that together.

Then we have to race like crazy on education and innovation. That is what we do in America. Let's race up. Let's make every other country race to keep up with us. Let's be the ones who are continuing to invest in education, in opportunity for every child, in opportunities for everybody to be able to go to college and focus on areas of math and science and technology and engineering and all of those things we need to do to make it a race up, areas of health research, creating new opportunities and new discoveries. That is what we do in America. That is what we have always done in America. But we have seen in the last 6 years a willingness to put that all aside for other priorities, put that all aside and make this a race to the bottom. That is not good enough.

We believe in a race to the top, and we know that is going to take a new direction. It is going to take a different set of priorities. It is going to take a different set of values to do that. But in a global economy, if we are going to keep our middle class, we have to do that.

We are in a fight for our way of life in this country. It is not going to do any good if a few people have a lot of money if the average person has no money in their pocket to be able to buy that house, that car, send the kids to college, get the boat, and be able to enjoy the beautiful lakes in Michigan, be able to buy their medication. It is not going to matter if everybody is being asked to race to the bottom.

So I am hopeful—in fact, insistent—that we turn things around. America can do better. We need a new direction. We need a race to the top. We can do this. It just takes people who get it, people who get it to be in charge with the right values and the right priorities, and Americans are expecting that to happen. In fact, they are tired of waiting for it to happen. And so am I.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Rhode Island.

Mr. REED. Madam President, I am very pleased to join my colleague, Senator STABENOW, and my colleague, Senator SARBANES, to talk about the reality that is confronting the American family across the country. That reality is, they are being squeezed, and they are feeling every day increased pressure from an economy that is not resulting in higher wages and income but is demonstrating increased costs to every family in the country. Between flat, stagnant incomes and increasing costs, they are seeing their dreams shredded.

It is our obligation, our duty to respond. This administration has not responded. The President tries to paint a rosy picture of the economy, but the American people know better because every day they see the high gasoline prices, and increased costs of education. They look at their paychecks and see no significant increases. And they wonder, really, for the first time in my lifetime, whether their children will have a better life than they enjoyed.

It was taken as an article of faith in America when I was growing up in the 1950s and 1960s that your children would do better than you did. They are probably going to college, if you hadn't gone to college. If you were fortunate to be a college-educated person, they certainly would go to college and maybe on to professional school beyond. They would be able to enjoy a home in a good community. They would be able to use their talents and their energies to provide for their families and to build a strong America. But, again, for the first time in generations, many, many people are wondering whether their children will be able to afford what they did, and be able to accomplish what they have done. Can they afford a home in the same community they grew up in? In many cases, that is not true in America today. Will they have a pension that they can depend on when they get older 40 or 50 years from now? Will they have the ability to send themselves to school, to educate themselves, not just through college but throughout their lifetime?

This is not something that is just the impersonal effect of the world economy and globalization. This is something that Government has a duty to respond to, and this administration has not responded to it.

The facts are very clear. After adjusting for inflation, the income of the typical family is lower than it was when President Bush took office. The typical family has fallen behind in the last 6 years. The economy has gone through the most protracted job slump since the Great Depression. Even though job creation has turned positive, the pace of job creation has been modest and real wages are not growing.

The administration likes to point to statistics that show an increase in average income or compensation. But it seems pretty clear that these averages reflect gains by highly compensated individuals who receive bonuses, who exercise stock options, while ordinary workers see their wages falling behind with rising living costs.

When you talk about an average, if you have a lot of poor people and you have several highly compensated individuals, that average moves up. That is what the President is talking about.

What we should be looking at is, how do we help those low-income Americans see more in their paychecks? How do we help them protect against rising prices in so many critical areas?

This first chart demonstrates what has happened between 2000 and 2004. This is the median inflation-adjusted household income. This is the centerpoint of households in the U.S., 50 percent below, 50 percent above. So

it takes away the distorting effect of a few, a handful of terribly wealthy households in the country. This is the most accurate view of what has been happening. You can see in 2004, the median income was $47,399; in 2005, in inflation-adjusted terms, $46,326, a fall of $1,273. Median household incomes fell. That is not the sign of a good economy. In fact, that is the sign of a failing economy.

This is accompanied by another phenomenon. The second phenomenon is that prices are increasing. In fact, they are rising dramatically in critical areas.

This is a chart that shows the middle-class squeeze under the Bush administration. College tuition, room and board, up 44 percent; households have $1,300 less at the median; their expenses for college are going up 44 percent. Health insurance premiums, if you can afford them or you have access to health insurance at all, because there is a growing number of Americans who can't buy health insurance; those premiums are going up 71 percent.

Gasoline prices, up by 104 percent. Even in the last few weeks of lower prices, they are still extraordinarily high given the prices in 2000.

What you have seen is a situation—this is just arithmetic—income goes down, costs go up, families are squeezed. They have to put on hold a lot of their dreams and hopes for the future—for college, in some cases. They have to worry about whether they will be destroyed financially by a health care crisis at home because they cannot afford health care coverage.

Certainly we are all seeing throughout the economy how expensive it is just to get around because of the price of gasoline. For upper income Americans, the people who are certainly above the median income, this is a problem. For the vast majority of Americans, low-income Americans, the extra $10 or $15 per fillup means they cannot take the kids out for even a modest meal. They can't do things that they took for granted. They certainly cannot save.

One of the other phenomenons we have seen is virtually a zero savings rate for households in the country. They are not getting ahead.

I can recall—I think we all can recall as children—when parents talked about trying to get ahead, trying to get a little bit ahead, something that will give them not only some financial security but peace of mind. For some families in the last 6 years they are not only not getting ahead but they are falling behind. It is not predestined; it is not inevitable. It is because of the policies of this administration.

One of other startling aspects of the Bush administration is that employment has not grown. This is a chart showing the growth of nonfarm employment throughout administrations in the country going back to Herbert Hoover. The Bush administration has the worst nonfarm employment growth of any administration since Herbert Hoover. That is not a comparison anyone would like to entertain.

We have seen it go up and down through administrations, but this is the worst. Under the Clinton administration, there was a 2.4 percent per year growth in nonfarm employment. That has been reversing.

This is a situation where people are looking around, again despite all the happy talk of the administration, people just have to look around. The jobs are going away and they are not coming back. Pick up the paper. About every day you see a big American company announcing 20,000 jobs being let go, changes, restructuring, et cetera. That causes people great concern.

Again, we have to do something, and nothing of consequence is being done by this administration. It is the worst job record since Herbert Hoover.

That is a damning epitaph for the economic policies of this administration.

Coupled with the anemic job growth has been a similar anemic growth in earnings. Here again is a comparison. Between 1995 and 2000, under the Clinton administration, and between 2000 and 2005 under the Bush administration. What you see in the Clinton administration is a strong growth in earnings, weekly earnings, for every category of worker, from the lowest to the highest.

In fact, I should point out that the highest-income Americans did much better under the Clinton administration than they are doing under this administration. But what is startling is that this picket fence of the Clinton administration of growth in every income level, strong positive growth, is not the case in the Bush administration. In fact, in the lowest 10 percent you are seeing negative growth, a loss in terms of weekly earnings. The poorest Americans are not only not keeping up, they are falling behind. It is not just at the bottom, it is all the way up to the 50th percentile. Half of American full-time workers have seen a loss in the last 5 years in their usual weekly earnings. They are losing ground, and they know it. They are not getting ahead. They are falling behind.

You see at the upper income levels a slight increase. It was much, much better under the Clinton administration.

One of the ironies here is that the economic policy, relatively speaking, is benefiting the wealthiest Americans, but it is not benefiting them as much as under the Clinton administration.

Again, these are weekly earnings. This figure would be much, much different if we put in all forms of compensation. There you are seeing even a more pronounced view of the upper income Americans because of stock bonuses, because of all sorts of compensation that is not in the form of weekly earnings.

Mr. SARBANES. Madam President, will the Senator yield?

Mr. REED. I would be happy to yield to the Senator.

Mr. SARBANES. If I understand that chart correctly, the people up to the 50th percentile in the last 5 years have actually fallen behind. They have not had an increase, they actually have had a decrease in their real weekly earnings. Is that correct?

Mr. REED. That is absolutely correct.

Mr. SARBANES. Then beyond that, while there has been some increase, it is far less than what occurred in the previous 5 years of the Clinton administration? Is that right?

Mr. REED. That is right.

Mr. SARBANES. Of course, that helps to explain what people are thinking about the economy. I know our distinguished colleague from Michigan talked earlier about the increase in health care costs, the increase in tuition costs, education costs, and the increase in energy costs. That is one side of the squeeze on the middle class and working America. But this is the other side of the squeeze on the middle and working Americans. They are being squeezed down in their earnings and they are being squeezed from the other direction by the increase in costs. So they are really caught in a vise. Their income is not as good and key costs are going up—and at a rather rapid rate. Will the Senator agree with that?

Mr. REED. The Senator is right. It is absolutely a phenomenon between being crushed by falling real income and rising costs. It is not a situation where incomes are falling and being compensated by falling prices. It is a situation where they are being caught in this vice. The pain is palpable to working families throughout this country. These are all of our citizens. These are the people we all say we are here to help. And we are not helping them—not this Congress, not this administration. Not only are we not helping these individuals but it turns out the very policies of this administration and this Congress are rewarding those people who are doing the best, not those who need the assistance. That is evident in the tax policy being pursued by this administration and supported by this Republican Congress.

This is the average amount of capital gains and dividend tax cuts by household incomes in 2005. This is one of the centerpieces of the administration's proposal. They have to cut capital gains taxes. They have to cut dividend taxes. Here is where the benefits go. If you make under $50,000—that is an awful lot of Americans—you get $6 in benefits If a person is making between $50,000 and $100,000—most Americans within that range are considered to be pretty prosperous folks—they get $55 in benefits. If a person makes over $1 million, they get $37,000 in benefits. One of the reasons for this is the fact that most working Americans, if they hold stock, they hold it in their retirement accounts. These retirement accounts do not benefit directly from these capital gains and dividends tax cuts. So

for the vast majority of Americans, we are seeing virtually no direct benefit from these capital gains and dividends tax cuts. Of course, for the wealthiest, it is a bonanza.

Now, if this somehow stimulated a huge spurt in economic activity, growth, job performance, and increased employment, that might be a justification—not the most compelling, but a justification. We are not even seeing that.

What we are seeing—because, again, ultimately this is about arithmetic as much as anything—we are seeing a decrease in the resources and revenues of the Federal Government. So we can't compensate for increased cost of tuition. In fact, this administration, as the Senator from Michigan suggested, is sending up a budget that has record cuts in Pell grants and Stafford loans and those supports for education that are so critical at a time when everyone reflexively says we have to be the best educated country in the world because we must compete today with an emerging India and an emerging China.

We can no longer sit back on our laurels saying we have the best educated people. We have to keep investing in education. We have dissipated those resources in a way that does not benefit the vast majority of Americans but benefits very few. As a result, not only are the costs of education going up, but our Federal support for education is going down.

I should say something else, too. The last several weeks the, President hasn't missed an opportunity to remind the American people that we are at war. We are. And we have to support our forces in the field. I saw a figure today that to keep an Army division in operation in Iraq for 1 month costs $1.5 billion. Those costs have to be met.

With the tax policy rewarding the wealthiest Americans without benefiting the rest of America, without contributing in a demonstrable way to significantly increase employment, without contributing to supports and programs so essential to investments for the future of this country, we are not only dissipating our resources, we have also engaged in an international policy that requires spending that is very difficult to avoid, nigh impossible. Who is bearing the burden? It is all being rolled into the next generation of Americans as we accumulate a huge amount of debt going forward.

This is the most reckless economic policy I have ever seen. It is ''credit card economics,'' borrow as much as you can to fund military operations abroad, but we cannot afford domestic programs. What resources we have we give away in the form of tax cuts that are not strengthening the economy.

It is a massive shift of resources from the vast majority of Americans to the wealthiest Americans; from a generation in the future that will pay for it, to a generation today that seems to be consuming it.

Ultimately, these policies will catch up with us. They have already caught up with the families of America. As we debate these issues today, they are looking at sticker shock in health care, education, at the gas pumps, and housing. And they are looking at their stagnant paychecks.

Not only can we do better, we must do better. This Government has in the past been able to sort these problems out. We have a record over the last 5 years of the preceding decade of growth across the board in terms of income at robust levels, of significant employment gains, of fiscal responsibility. All of that today is history.

Mr. SARBANES. Will the Senator yield?

Mr. REED. I yield.

Mr. SARBANES. As I understand it, we have had this tremendous runup in the debt. We are just saddling this burden on the next generations.

One of the things that has happened and needs to be underscored, at least as I am informed, is that the amount of the debt that we are borrowing from overseas has escalated tremendously. In fact, we have borrowed more from overseas—in other words, foreign-held debt—under President George W. Bush than all of the previous Presidents combined.

It is not only that we are incurring the debt and the problems that go with that in terms of the future burden, but more of that debt is being held externally by people overseas rather than being held internally. Before, we were paying it to ourselves. It meant working people were paying money to people who held the Government bonds, but at least it was all within the country. Now there is a tremendous tariff on working people to send this money overseas to the debt that is being held abroad.

Isn't that the case?

Mr. REED. That is absolutely right. The Senator is right.

We have extraordinary debt being held by countries such as China. Even Mexico is a creditor of the United States today. That debt has to be serviced. That money goes overseas. It is not kept within the United States for investment here.

It also not only economically weakens us, it puts us into a position internationally where we do not have the kind of leverage we used to have when we were an economic power that did not have these huge debt burdens, and we did not rely upon the kindness of strangers. We are relying on the kindness of lots of countries who, sometimes, are not our friends.

We can see that manifested in situations such as our relations with North Korea, China and our relationship with Iran. The Senator is a senior member of the Foreign Relations Committee. We are struggling now to control the Iranians' race for nuclear technology. A key player is the Chinese. We cannot push them hard to take a tough line, in some cases because they hold a lot of our debt. That is a reality not only economically but also in terms of international affairs.

Mr. SARBANES. If the Senator will yield, as the Senator points out, we have become dependent, as Tennessee Williams said, on ''the kindness of strangers.''

On the one hand, we say we are the world's superpower. In many respects, that is quite true. However, economically, the foundations are weakening. They are not as solid and as strong as they once were.

In the last years of the Clinton administration we were running surpluses and paying down the debt. The Bush administration came in and made these very excessive tax cuts at a time when we moved into a war footing. We have never done that before in this country. When we have gone into a war footing we have always concerned ourselves with how to meet the budgetary demands of the war. That did not happen here. All of a sudden we have switched from running surpluses to running these large deficits, year after year after year. The projections are that they will go out into the future as far as the eye can see.

The Bush people say: We will lower the deficit a little bit. As long as we are running the deficit, we are still building up the debt. We are adding to the debt every step of the way. As we noted previously in our discussion, more and more of that debt is being held overseas. To the extent that happens, we are subject to the kind of leverage that others have.

The United States has gone from being the world's largest creditor nation; now we are the world's largest debtor nation.

Mr. REED. The Senator is absolutely right. He realizes, as I do, when the Bush administration came into power, we were running a surplus. We had a projected surplus over several years in the trillions of dollars, an opportunity to do lots of critical and important tasks for America: to try to reform our health care system which will require not only changes in rules, regulations, and procedures, but probably additional resources; to try to reinvigorate public education at the elementary and secondary level and try to make college more affordable. These were investment goals. At that juncture we had the resources to do it.

The Senator listened, as I did, to proposals which we thought were fanciful: the suggestion that if we did not cut taxes, our surplus would grow so great it would be unmanageable. What has grown so great and what is unmanageable now is not a surplus but a deficit.

The Senator also recognizes, as we look ahead and as we see this continued deficit finance and growing debt, there are structural issues which will drive the deficit further. For example, we have to somehow come to grips with a longer term solution to the alternative minimum tax which will take additional revenues and resources away from the Federal Government.

There are proposals, and we have heard them, of a full-scale repeal of the

estate tax. Again, that would be an additional denial of revenues and resources to the Government at a time when we are running a huge deficit and we are fighting a war.

All this adds up to what the Senator pointed out: not only annual deficits but a hugely increasing debt funded by foreigners, leaving us vulnerable not only to economic shocks but also to the fact, as the Senator suggested, that we are dependent. Dependency, in many respects, is the opposite of strength. We have surrendered a great deal of economic strength through these policies.

The bottom line of this discussion is that this is not some theoretical macroeconomic research topic. This is reflected in the daily lives of Americans who are struggling, and in the future they are seeing every day a decreasing sense of confidence that they can provide their sons and daughters at least as good a quality of economic life, family life, and support as they have enjoyed. That is distressing the American public.

Mr. SARBANES. If the Senator will yield, furthermore, we have an opportunity to strengthen the economy in so many ways, including addressing the Social Security system which can be done with a number of relatively sensible steps.

The Bush administration, of course, has been pressing this privatization. For the moment, they have been beaten back on that and people are turning their attention elsewhere, but it is very clear they have not given up.

The President, at the end of June, said:

> If we can't get it done this year I'm going to try next year. And if we can't get it done next year, I'm going to try the year after that.

The majority leader in the House of Representatives says:

> If I'm around in a leadership role come January [this coming January], we're going to get serious about it [privatizing of Social Security].

And the chairman of the House Ways and Means Subcommittee on Social Security said that privatization would be a top priority in the Congress in 2007.

The American people have to understand this is still very much on the agenda of this administration and its supporters.

Now they want to abolish the estate tax. Why not keep the estate tax and devote the revenues from the estate tax to strengthening the Social Security system? Then there would be a better retirement for everybody.

Mr. REED. Well, I think the Senator has a very valid point about Social Security, that, yes, you are right, from what I read into those comments, the President and the Republicans in the House of Representatives are committed to, once again, going after Social Security. It seems to me to be contradictory to everything that Americans are experiencing today.

The one phenomenon that is frightening everyone is the loss of defined benefit pensions, left and right. Thinking back to when I was beginning to enter the workforce, in the 1960s and 1970s, if one of my colleagues had said: I have just taken a job as a machinist at United Airlines—you would say, you are set for life, just like your father was. You are going to work for 30 years, and you are going to retire with a nice pension and have benefits like health care. You, financially, are in a good position.

Now we are hearing stories about machinists' pensions being abrogated because of bankruptcy proceedings, companies that we took for granted as being solid trying to get rid of their pension liabilities. The only thing left for most Americans is Social Security.

Now, we hope they all have 401(k)s and private investments. But there is that credit card commercial about how something costs $50 and something costs $80, but at the end there is that priceless element. The priceless element, when it comes to pensions, is Social Security because at least you know every month you will get a certain amount of money, you will have something, you will know what it is. And that is worth a great deal because it gives a certain peace of mind. For most Americans, it is very modest, but at least it is something they can say they will have as long as they live.

This administration wants to eliminate that. They want to put every American into a market which has great ups, but also great downs. It has cycles where everyone is doing well and cycles where people are not doing very well at all.

That cannot be the bedrock of retirement. We have to maintain Social Security. So it is shocking to me that despite what America said over the last several months—essentially, take your hands off my Social Security—this administration is going to try again.

And, of course, there are ways we can fund Social Security. I think we did that under the leadership of you and your colleagues in the 1980s, where changes were made to the formulas, changes were made to the rates of taxation, changes were made to strengthen Social Security.

They are not interested, I think, in strengthening it because their objective is not making sure that American families have something to rest their dreams on in retirement. This is, in some respects, simply another example of catering to the market, of letting these investments be turned over to private markets. And there is some advantage to that, but not fundamentally with respect to Social Security.

I am afraid we are going to have to fight this fight again.

Mr. SARBANES. Will the Senator yield on that point?

Mr. REED. Yes.

Mr. SARBANES. In fact, the administration states the problem in such a way I think to sort of panic people, and then use that panic to push them toward the privatization of the Social Security system.

For example, the administration says the Social Security system is bankrupt. The Social Security system is not bankrupt. The Social Security system, at the moment, is taking in more money than it pays out in the trust fund. Of course, the administration then borrows that money to cover its deficits. That is a separate issue. But there is more flowing into the system than is flowing out. That will last until about 2020.

After that, they will start paying out more than flows into the fund, so they will start drawing down the fund. And they can continue to pay out all the benefits until 2046—in other words, 40 years from now, under the projections; of course, the projections are all problematic because it depends a lot on how the economy functions—but under their best projections, before they draw the fund down. At that point, they will still be able to pay 75 to 80 percent of the benefits from what is coming in to the Social Security trust fund. So the worst scenario is a 20- to 25-percent shortfall 40 years from now.

Now, there are many things you can do now, next year, the year after, with an administration that really wants to support the Social Security system, to take care of that problem. The magnitude of that problem is not out of bounds in terms of being able to address it.

But it has been dramatized as though it is an immediate crisis I think to sort of help scare and panic the American people and then have them be more open to these privatization proposals, which, as the able Senator from Rhode Island points out, would be to shift people from a guaranteed benefit—where they are told, as they are with Social Security: You are going to get so much a month and that is guaranteed to you—to a defined contribution plan, where you do not know what you are going to get.

The people who worked at Enron and WorldCom thought they had wonderful retirements. They had these 401(k)s and everything—they thought they had company plans—they thought they had wonderful retirements, and they were going to be living quite well in their retirement years, and it all collapsed. But they still have——

Mr. REED. Social Security.

Mr. SARBANES. Their Social Security, with its guaranteed benefit every month. So at least they have that basic form. People need to understand how important Social Security is to more than half of Americans who get more than 50 percent of their retirement income from Social Security. And 20 percent of retired Americans get more than 90 percent of their retirement income from Social Security.

So Social Security is really essential to providing that base. In fact, it has helped to lift the seniors out of poverty. It used to be that the age group most in poverty was the elderly. Because of Social Security, essentially—and other things—but because of the

improvements we have made to it now, that is the age group least in poverty. So we have made a substantial change. But Social Security is essential to achieving that.

And I do not know why the administration put it out there. The country rejected it, clearly. And it was reflected by Members of Congress from both parties who said: No, no. And now they continue to talk about coming back to this issue and privatizing. They have not given up on privatizing the Social Security system.

Mr. REED. Well, I think the Senator is absolutely right in terms of his analysis. He has stated very eloquently and accurately about how many Americans depend upon Social Security; how, over the long term, it is a program that will be solvent—with no changes—for 20-plus years, and 50 years even if it is not paying full benefits.

Frankly, I cannot think of another Federal program where we can say we can guarantee 25 years from now you are going to get what we told you you are going to get. That is one of the few programs of the Federal Government that will do that.

I think the other point that should be made is that these actuarial assumptions are rather conservative. So this is not a situation where we are trying to, with smoke and mirrors, create an artificial picture of the funding stream going forward. And I have the same shock that you have, in a way, at these proposals because right now Social Security is even more important.

There was a period in our economic history, from the end of World War II up until fairly recently, where many Americans were looking at and anticipating not only their Social Security but a defined benefit private pension—a rather good private defined pension—and their private investments. Frankly, we all understand that the best retirement plan has, as a foundation, Social Security, but it is not only Social Security. It has to have private savings, private investments over time.

Sometimes—I am sure the Senator might have some of the same feelings I have—if we have all these proposals—benefiting the wealthiest Americans, why can't we give incentives for average Americans—more incentives—to save for their retirement, to put money away? We have some, but they are not enough. We can do that. But that is a conscious choice to favor, in this respect, the wealthiest over the vast majority of Americans.

I do not think it makes much sense in terms of economic policy, fiscal policy, and also social policy. But today we have seen those private pensions too often disappear. Today it is more important to maintain the defined benefit program of Social Security, and I hope we can.

But again, I say to the Senator, like you, I am concerned there is another movement afoot. Just listen to what the President says and what the chairman of the relevant subcommittee in the House and also the House majority leader say. If they get a chance, next year, they are going right back after Social Security, despite, as you point out, the rejection by the American people. And this was not some type of narrow, close call. Seniors, middle-income Americans—all Americans, I think—were standing up basically saying: This is not a sensible approach.

Mr. SARBANES. If the Senator will yield further, I think this does much to help explain the anxiety that Americans are feeling about the workings of their economy.

Now, as the Senator so ably showed earlier, working people are being pressed from two directions. Their wages are not going up to keep pace with inflation, and key costs are increasing. That is compounded by the fact that the retired people are in a state of anxiety because they are constantly being told: Social Security will not be there for you—although I think that is a false cry.

Furthermore, as the increase in educational costs indicates, younger people—not yet in the workforce but moving in that direction—see the opportunities for education and training not opening up but closing down. Senator STABENOW pointed out earlier, we have the most significant cuts in Federal aid to education that we have experienced since the Federal Government began to try to provide assistance in that area.

So through every age group, as they look at the situation, they find themselves being constrained, to deny them the opportunity—the young people—to get an education. Working people are being squeezed badly. And our retired citizens are kept in a constant state of agitation about the safety and the security of their retirement income.

I think that explains why you are getting all these articles now in the major periodicals and in the major newspapers about this sort of anxiety that is running through the society about the workings of our economy. And when they look at it, it is very clear what is happening: the benefits are all being—as that chart indicates—focused right up at the top of the income and wealth scale. And everyone else is left in a state where they are really quite concerned about their future.

Mr. REED. I think the Senator is absolutely right. I think what Americans are seeing is a bifurcated society. That is a fancy term for the haves and the have-nots. The haves are doing quite well.

I remember Warren Buffett once said: ''If this is class warfare, my class is winning.'' And it is not class warfare. What it is is a series of economic policies that are not creating the jobs, that are not creating circumstances so that those jobs provide growing compensation to workers, and then on top of that, developing tax policies which favor the very wealthy and do not do enough to help those who do need assistance. Then it is complicated further by budget policies that are undercutting education and health care. We are debating a cut to physicians in terms of their compensation which goes into the overall effect of the health care system.

One point I would make, in addition to this issue about education, is that one of the reasons we saw a spectacularly productive decade in the 1990s and previous decades is not because anything was done in the 1990s, it is because of the Pell grants and Stafford loans of the 1960s when Americans with talent and ambition could go to college. Twenty-five years later, they were inventing new products. They were developing new ways to develop and provide services. They were leading the world economy in every dimension—health care, business, all these things.

If we stop investing in education now, we will lurch along for a few years, but we will start slowing up in terms of momentum, and we will ask ourselves 20 years from now: Are we still the preeminent economy, the preeminent area of scientific research? And that is a question mark.

People understand that. I think it goes back to the point we have all tried to make, which is that these charts are illustrative of what is going on from a statistical and analytical point; but just ask the average family and they will say simply: My wages are stuck, my expenses are going up, I cannot provide for my children the way I thought I could, and I need help. We should be giving them help and we are not.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, where are we at this point?

The PRESIDING OFFICER. Postcloture on the motion to proceed to H.R. 6061.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak for up to 7 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. CHAMBLISS. Mr. President, I rise today in support of H.R. 6061, the Secure Fence Act of 2006. As I traveled back home over the summer, particularly over the month of August, there was not a single issue I heard more of from my constituents, whether they were in the north Georgia mountains, vacationing on Georgia's coast, or working on farms in south Georgia, than illegal immigration. This is by far the most emotionally charged issue with which I have dealt during my 12 years in Congress.

Earlier this year, the American people watched as Congress debated how

to handle the growing crisis of illegal immigration. During that debate, there were a wide variety of views expressed regarding the best way to stop illegal immigration and how to address the presence of 15 to 20 million illegal aliens currently in the United States. However, there was one issue on which everybody agreed; that is, the need to secure our borders. This legislation we are considering today takes an important step in the right direction to do just that.

Securing the borders is not anti-immigrant. There is more to this debate than the presence of illegal immigrants. Securing our borders will stop illegal commercial activities, such as human trafficking and drug and weapons smuggling—the three most lucrative illegal commercial activities in the world. Human traffickers profit by exploiting people who seek to come to the United States to seek a better life for themselves and their families. It is estimated that 20,000 people are trafficked into the United States each year, primarily women and children. In addition, porous borders result in illegal drugs and weapons being smuggled into our country.

If drug and weapons smugglers can get cocaine and firearms into our country, what is to prevent them from bringing nuclear, chemical, or biological weapons across the border? It is an important national security matter for us to take the appropriate steps to gain operational control of our borders. We have all heard from our constituents and know they demand no more and deserve no less.

Earlier this year, when the Senate considered the comprehensive immigration reform bill, this body voted overwhelmingly to authorize construction of 370 miles of fencing and 500 miles of vehicle barriers along the southwest border. This totals almost 900 miles of barrier on that border. Late this summer, the Senate voted to fund the construction of fencing and barriers we previously authorized.

Some may ask: Why are we considering this legislation if the Senate has already considered something very similar? We all know Congress is not going to pass the comprehensive immigration reform bill before we leave. Passage of this bill will allow us to move forward with the process of getting these necessary tools in place to secure the border.

Finally, the American people have questions about the commitment of Congress when it comes to comprehensive immigration reform. Congress tried to sell this idea to them in 1986 when it said that we would allow all of those people who were here illegally to adjust their status. In exchange, we pledged to secure the border and have real interior enforcement. We all know what happened. Millions of people were allowed to obtain lawful permanent residence, but we did not secure our borders. Now 20 years later, some in Congress are trying to sell the same idea again, and the American people simply are not buying it, and rightfully so.

This bill will give Congress an opportunity to move in the direction of gaining the trust of the American people on the issue of immigration and allows us to prove to the American people that we are serious about securing our borders.

Once we have operational control of our borders and can know who is coming into and going out of the country, I think the American people will be more receptive to temporary guest worker programs. Once we have operational control of our borders, the American people will be willing to engage in a debate about whether we should increase the number of people our country accepts for permanent resident status each year. Until we have operational control of our borders, most people think we will simply have a repeat of the 1986 amnesty.

I don't believe a fence is a panacea, and I don't believe we need to build a fence across the entire stretch of our borders. However, we know fencing and vehicle barriers are effective border security tools. Combined with state-of-the-art technology, it is possible for us to gain control of our borders and then have a healthy, responsible debate about our Nation's immigration policies.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL TAX GAP

Mr. BAUCUS. Mr. President, I have repeatedly raised the problem of the ever-growing Federal tax gap. What is that? The tax gap is the difference between taxes legally owed and taxes actually paid. That gap is $345 billion a year, and it is growing. That is right. Every year, about $345 billion in taxes legally owed is not paid—$345 billion a year.

One of the things that contributes significantly to the tax gap is confusion. Many taxpayers simply claim credits or deductions by mistake, and that error rate is about to get worse. As IRS Commissioner Everson pointed out in a Finance Committee hearing this month, the IRS and taxpayers will face unnecessary confusion and compliance errors if Congress does not finish its changes to the tax law soon. Taxpayers will face more mistakes and hassles if we do not extend the expired tax provisions soon. ''Soon'' means prior to October 15, according to Commissioner Everson.

If Congress does not reinstate the expired tax incentives before it recesses for the election, then the IRS will have to print tax forms for next year's filing season applying the law ''as is.'' That means reprint; more expense. The IRS will print the forms without the tax credit for U.S.-based research jobs, without the tax deduction for State sales taxes, without the tax credit for hiring welfare workers, and without the tax deductions for classroom supplies that teachers buy—without those deductions. That is what would have to be printed by the IRS.

If Congress does not extend these provisions by the end of next week, then the IRS will have to spend taxpayers' money to rush printing for supplemental documents to describe these incentives if and when Congress actually passes them.

Millions of families, businesses and workers utilize these popular tax incentives. These are not obscure tax benefits claimed on separate forms or schedules.

For example, look at the front page of the basic form 1040, which I have at my right. Look at line 23, right here, in the category ''adjusted gross income.'' That line 23 is labeled ''educator expenses.''

What should the IRS do with the classroom teachers' deduction? Look at line 34, right here: ''Tuition and fees deduction.'' What should the IRS do with the tuition deduction for middle-income families? They both expired at the end of 2005, so the IRS really cannot print them. It cannot do so on the 2006 tax form. It cannot print them because Congress has not extended those provisions.

But if the IRS does not print them on form 1040, and it cannot do so, how many teachers will miss out on this deduction? School started not too long ago this year. How many teachers will miss out if the IRS merely mentions the deduction in some supplementary instruction guide?

What about the millions of taxpayers who use software to assist in tax preparation? Those software providers have deadlines, too, and they have told us mid-October is their ''drop dead'' date, just as it is for the IRS. They will try to have their products in stores and on the shelves by Thanksgiving. That would be literally days after our lame duck session, when some believe that we should extend these benefits appearing on form 1040.

You might ask why these software providers cannot just send updates to customers. The providers tell us they cannot force the customer to receive the update. Millions of customers will miss the update; they just will not know about it. They will miss it. Millions of customers will ignore the update and millions will lose out.

Earlier this year the Finance Committee held an investigative hearing and looked at the ''free file'' alliances, which provide free electronics services to many taxpayers via the IRS Web site. The committee found many members of the ''free file'' alliance simply declined to include any of the Katrina-related tax benefits. Why? Because

Congress enacted those benefits into law so late in the year it simply was not feasible for providers to include them.

Delay has costs. Delay costs taxpayers money. Delay impairs the effective tax administration by the IRS.

I am again asking my colleagues to support my unanimous consent request to pass the negotiated tax extenders. If my amendment is agreed to, it will retroactively restore all those popular benefits. We are going to enact them, but the real cost and the irresponsibility will be if we don't pass them in the next couple of weeks but, rather, later on in the year when it will cause all these costs I just mentioned. My amendment will also provide the compromise reached on the Abandoned Mine Land trust fund, or AML.

We need these tax cuts. We cannot wait until the next tax period.

Mr. President, I do not see anybody on the floor who might object, except for the Presiding Officer. I guess he will object in his role of a Senator from his State.

UNANIMOUS-CONSENT REQUEST—H.R. 4096

Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 326, H.R. 4096, that the Senate adopt my amendments numbered 5003 and 5004, which are the agreed-upon tax extender package, that this bill be read a third time and passed, the motion to reconsider be laid on the table, and all this occur without intervening action.

I repeat, Mr. President, before the Chair in his role as a Senator objects, because he has been instructed to do so by the majority party, I think it is extremely irresponsible for this body not to enact these extenders right away. As I stated, it is going to happen, so why put the American people through this unnecessary, ridiculous additional cost? Why can't we as a body just do what is right? What is right is to pass these extenders now before we recess in a couple of weeks. That is the right thing to do instead of all the games we have been playing around here. I wish those games would not be played. But, frankly, the party in control of this body has chosen to object to this request. I am very disappointed in the U.S. Senate for not doing what is right.

The PRESIDING OFFICER. In my capacity as a Senator from South Carolina, I object.

The Senator from Nevada.

Mr. REID. Mr. President, before my friend leaves the floor, I want to have the RECORD spread with my appreciation for who he is and how he has operated as a Member of Congress, first in the House of Representatives and now in the Senate. Our ranking member on the Finance Committee has been the chair of our Finance Committee, the chair of the Environment and Public Works Committee. The people of Montana are very fortunate to have him in their corner.

I appreciate his coming here, as the people of Montana and the people of Nevada want, with just commonsense legislation. This is going to pass. I cannot imagine that this legislative body would walk away from here and not pass this must-do legislation.

But I say I am of the opinion now that maybe this Republican Congress, which has been dubbed—not by me but by writers all over the country—as the most do-nothing Congress in the history of our Republic, I guess they want to make sure they don't lose that record as the most do-nothing Congress in history.

This is evidence of it. We sit here doing nothing all day today, doing nothing all day tomorrow, when there are important things to be accomplished.

Some of my colleagues were here earlier talking about the delicate balance we have in our economy. Housing all over the country is headed the wrong way. I have learned that highway construction and homebuilding are the two economic engines that drive our economy.

I am so disappointed, and I say that very seriously, that these important provisions have not been extended today. If we had an opportunity to vote on these it would be virtually unanimous, Democrats and Republicans, but we are not provided the ability to vote on this. I don't know why. Maybe they are trying to come up with some kind of an arrangement so that we will be forced to vote for it because, although it will have other things in it that we will not like, we will like this so much. That was tried once and it didn't work. The American people are too smart, and we speak for the American people.

Some things are so important. I have a niece. Her name is Lari, named after my father and brother. She struggled to get through school. She worked. She finally got to become a schoolteacher. She now teaches high school at Las Vegas High School, but she doesn't have much money.

She spends money out of her own pocket to buy school supplies. The school district should buy them but they don't. Under the provisions we are trying to extend, schoolteachers all over America can deduct up to $250 a year for school supplies they buy out of their own pocket.

Mr. President, $250 to my niece means a lot. It may not mean a lot to millionaires and all the people who benefited so much during this Republican administration, but to my niece it means a lot. She will not get that unless we put on these extenders.

Mr. BAUCUS. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. BAUCUS. I deeply appreciate the Senator's comments, but let me ask if the Senator heard, as I have, in a good number of companies, if these provisions are not enacted the companies are going to have to begin to restate their financials and take a charge against earnings because of the loss of the work opportunity tax credit and loss of the research and development tax credit.

I wonder if my good friend from Nevada has heard that, learned that, and what he might tell us the consequences of that might be when a company has to take a charge because of the failure of the other side of the aisle to let this provision pass, which we all know is going to pass.

Mr. REID. I say to my friend, I received a call before the last recess from the chair of the Business Roundtable. This is a group composed of Democrats and Republicans but, frankly, more Republicans than Democrats, and they represent the American business community. The chairman of that group said something to me. I asked him, Of all these provisions, which is the most important? And he said, We only care about one: the research and development tax credit has to pass. It is so important to the American business community. If we don't have that, it is going to have a tremendously detrimental effect on business.

We have not done it.

So I say to my friend, there are so many problems and he has outlined them very clearly. I listened to my friend—I just saw him walk through here—the chairman of the committee.

Mr. BAUCUS. He wants to do what I am suggesting.

Mr. REID. He made a wonderful statement. He said, Why should the Federal Government have to pay extra money for what we aren't doing?

Mr. BAUCUS. Right.

Mr. REID. They are waiting, as you indicated. They need to prepare these forms. It costs money to do this. In my State—it is different than your State—we pay a very large sales tax. In your State you don't have a sales tax, you have an income tax.

Mr. BAUCUS. Correct.

Mr. REID. You get a deduction. There are 12 million families in States without a State income tax, and they are not going to have the benefit of that—12 million families.

I talked to my friend—I don't think he would be embarrassed if I mentioned his name—Steve Wynn, who is one of America's great businessmen. He has done so much for Las Vegas. He is a modern business giant. He comes up with new ideas. His hotels are magnificent.

He called me up about a situation today. I am trying to work it through the last few days of this session. We have a Republican in the House and a Republican in the Senate who are fighting over a bill. He didn't know who. He thought one of them was a Democrat. I said, No, these are two Republicans fighting over this. He said, That's the way it always is, HARRY.

I said, Steve, I'm sorry to say you are right. What do you think the American people think of this?

We mentioned just a few things. I again mentioned my little niece, the schoolteacher and the $250. To us, we get a big fat salary, we Members of Congress, and all the tax cuts the administration passed on. They don't

care about my niece; $250, what does it mean to them? To her it means a lot. What do the American people think we are doing here? These provisions have to be passed.

Mr. BAUCUS. I thank my friend very much.

Mr. REID. I so appreciate your leadership. I have never come to this floor, ever, and criticized the chairman of the Finance Committee. I can't say that about other chairmen, but I have never criticized the farmer from Iowa, because he has a heart of gold. He can be very tough and hard. But he has been saying everything he can publicly that has supported our position. I hope the majority will allow this most important piece of legislation to come before it.

Mr. BAUCUS. I appreciate that. The chairman of the Finance Committee more than anything else wants to do what is right. He doesn't like to get involved in politics. That is what the American people want, not to get involved in politics, but to do what is right. That is why they should listen to the chairman who very much agrees with what you have talked about here.

Mr. REID. I am sorry to talk about my niece so much. Her name is Lari Dawn. She is named after my dad and my brother, Larry. We love Lari Dawn. But she is one of 3.3 million teachers who are forced to reach into their own pockets to provide supplies for their students. They are going to lose that. Again, that doesn't sound like much, but for the American people they get their money's worth for every Lari Dawn of the world who is out there trying to educate their children. For the 3.3 million teachers and the head of the Business Roundtable, all aspects of our society benefit from this legislation.

Again, I express my appreciation to the Senator from Montana.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I just had the unfortunate experience of being trapped in the Presiding Officer's chair as some of my Democratic colleagues presented a sad scenario of how Republicans had not taken up an important bill that would continue important tax credits for Americans and American businesses. Unfortunately, they failed to admit that we all had a chance to vote on that bill only a couple of weeks ago when Republicans, attempting to work with Democrats, brought all of these ''tax extenders,'' as we call them, to the floor, along with the increase in the minimum wage, which our Democratic colleagues had spoken so often for, and a reform of the death tax, a compromise plan to tax only the larger estates in this country. We put this together in order to try to move some business through the Senate—a very important piece of legislation that we called the Family Prosperity Act because, indeed, that is exactly what it was.

All of us were amazed at how our Democratic colleagues came to the floor and found one excuse after another why we could not vote for this important piece of legislation that would have given the tax credits for schoolteachers who buy supplies, it would have given some breaks to middle-class families who are faced with the death tax on their farm or family business, and it certainly would have given low and minimum wage workers the increase that we talked about for years. Yet the Democrats, which has been their form for month after month—in fact, during my entire time here in the Senate—when we bring something important to this floor, the Democrats block it. Then, as they did today, they come down and attempt to blame Republicans for the bill not getting passed.

I think it is important for the American people to know the truth, particularly as we head toward elections. The tax credits which are so important to America were brought to the floor by the Republicans, with a good compromise package, with an honest attempt to work with Democrats on several important issues. The Democrats to a person unanimously voted against this bill. Now they are here trying to blame Republicans.

I think it is important that we set the record straight. I intend to be a part of doing that as we try to end this session in a productive way next week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed. We are in a postcloture period, having invoked cloture, 94 to 0.

Mr. THUNE. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALTERNATIVE ENERGY FUEL GRANT PROGRAM

Mr. THUNE. Mr. President, on July 24, the House of Representatives overwhelmingly passed H.R. 5534 by a vote of 355 to 9. This bipartisan legislation seeks to provide grants, not to exceed $30,000, to assist gas station owners and other eligible entities who install alternative fuels such as biodiesel, natural gas and E85 ethanol.

As all of my colleagues know, the American public has been calling on Congress to address our Nation's overdependence upon foreign sources of energy. Senator SALAZAR from Colorado and I have a bipartisan substitute to the House-passed bill that is currently being held in the Senate at the desk. The substitute has been cleared by the relative committees, as well as by my colleagues on this side of the aisle; however, for some unknown reason, some of my Democratic colleagues have placed secret holds on this very noncontroversial bill.

The Thune-Salazar substitute has the support of the U.S. Automakers Alliance, alternative energy groups, and environmental organizations that have called upon Congress to increase the availability of alternative fuels.

I ask unanimous consent to have printed in the RECORD letters from the Alliance of Auto Manufacturers, which includes BMW Group, DaimlerChrysler, Ford Motor Company, General Motors, Mazda, Mitsubishi, Porsche, Toyota, and Volkswagen.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE OF AUTOMOBILE MANUFACTURERS,
September 14, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I am writing in support of legislation authored by Senators THUNE and SALAZAR that seeks to expand our Nation's alternative fueling infrastructure through the use of CAFE program fines. Automakers urge the Senate to adopt this legislation prior to adjournment.

As our Nation works toward energy independence, automakers support a diverse mix of fuels to power our transportation sector. To date, automakers are proud to report that there are over nine million alternative fuel and advanced technology vehicles on America's roads. These vehicles are powered by E–85 (ethanol), clean diesel, gasoline-electric hybrid engines, as well as other emerging technologies that improve mileage and reduce our dependency on foreign oil.

However, the infrastructure to refuel vehicles capable of running on ethanol is woefully inadequate. Currently, only about 830 of the 170,000 gasoline stations in America offer E–85 for sale. Expanding availability of this, and other renewable, domestic fuel sources, can help reduce our dependence on imported petroleum.

The Thune-Salazar legislation would create an Energy Security Fund within the Department of the Treasury. The Fund would use moneys collected from CAFE program fines and penalties toward a grant program for investment in alternative fuel infrastructure. Furthermore, the Thune-Salazar proposal is similar to legislation that passed earlier this year in the House by a vote of 355–9.

Automakers support this legislation as sound public policy to spur development of an infrastructure for the distribution of alternative fuels. It is an important piece of legislation that deserves passage before the Senate concludes its business for the year.

Sincerely,

FREDERICK L. WEBBER,
President & CEO.

Mr. THUNE. I ask unanimous consent to have printed in the RECORD letters from the National Ethanol Vehicle Coalition and the National Association of Convenience Stores, representing the fuel retailers across this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF CONVENIENCE STORES,
Alexandria, VA, August 3, 2006.

Hon. JOHN THUNE,
U.S. Senate
Washington, DC.
Hon. KEN SALAZAR,
U.S. Senate
Washington, DC.

DEAR SENATORS THUNE AND SALAZAR: On behalf of the 2,200 retail member companies of the National Association of Convenience Stores (NACS), I would like to commend you for your dedication to promoting a more stable motor fuels market for America's consumers and for recognizing the challenges that face the nation's motor fuels retailers with the introduction of alternative fuel products.

As you know, many of the alternative fuels available today have chemical properties that necessitate certain adjustments to the current distribution and storage infrastructure. These adjustments can cost substantial amounts. For example, to accommodate the alternative fuel E–85, many retailers must either retrofit existing underground storage tank systems or install new systems. This can be extremely costly, ranging from $40,000 to more than $200,000 in some markets. Therefore, NACS supports your amendment that will provide additional funding through the Clean Cities Program for alternative fuel infrastructure grants.

It is important to note, however, that while these infrastructure grant programs will help offset the cost of converting a retail facility to accommodate an alternative fuel, there are other factors a retailer must consider before making such an investment. These include whether there is the physical capacity to store and dispense an additional fuel product without compromising the availability of traditional fuels, whether the level of consumer demand for the alternative fuel justifies the investment, and whether the alternative fuel can be offered for sale at a price that is competitive with traditional fuels on a miles per dollar basis. These considerations will be determined by individual retailers based upon conditions within their own markets.

The underlying bill, H.R. 5534, was recently approved by the House of Representatives by a vote of 355–9. Your amendment, which seeks to balance competing priorities to increase the likelihood that the proposed ''Energy Security Fund'' will be signed into law, will facilitate the introduction of alternative fuels to the marketplace by addressing one of the major challenges facing petroleum retailers. NACS applauds your efforts to help address the costs associated with alternative fuels infrastructure. Thank you for your continued support of the nation's convenience and petroleum retailers.

Sincerely,

JOHN EICHBERGER,
Vice President, Government Relations.

NATIONAL ETHANOL VEHICLE COALITION,
Jefferson City, MO, August 9, 2006.

Hon. JOHN THUNE.
U.S. Senate,
Washington, DC.

DEAR SENATOR THUNE: As you know, the National Ethanol Vehicle Coalition (NEVC) promotes the use of 85 percent ethanol (E85) as a renewable, alternative transportation fuel. Our membership comprises a wide array of interests including ethanol producers, automakers, and health and agricultural organizations—all of which are working together to increase deployment of E85 refueling infrastructure nationally.

I am writing to express our support for the Senate version of H.R. 5534, legislation to establish a federal grant program for alternative fuel infrastructure. Your proposal incorporates an idea originally put forth by the NEVC to use penalties collected from the Corporate Average Fuel Economy (CAFE) program to promote alternative transportation fuels. This legislation would advance both the NEVC's efforts to make E85 a viable transportation fuel nationally and the CAFE program's explicit goal of reducing energy consumption by cars and light trucks.

We also understand the Secretary of Energy would have broad authority to allocate grants authorized under this bill and that the sponsors intend for the Department of Energy to maximize its benefit for the driving public. Unfortunately, the legislation does not prioritize funding for the most viable and prevalent alternative fuels or include any requirements for grant recipients to market or even sell these fuels. Without such clarification, it remains unclear how much funding will go towards deployment of E85 and how many E85 pumps will be placed in service. Therefore, we believe it essential for Congress to provide dedicated funding for E85 national deployment in Fiscal Year 2007.

We appreciate your understanding of the important role the NEVC plays in providing critical technical and marketing assistance and we look forward to continuing to work with you to expand the use of alternative transportation fuels, particularly E85.

Sincerely,

PHILLIP J. LAMPERT,
Executive Director.

Mr. THUNE. Mr. President, simply put, our substitute has no budgetary score and simply authorizes future appropriations for the annual penalties collected each year from foreign automakers who violate CAFE standards.

I hope my colleagues on the other side of the aisle will work with Senator SALAZAR and me to clear this important measure. The House has agreed to take up and pass the Thune-Salazar substitute once it clears our Chamber, allowing the bill to be sent to the President for his signature. In light of the very clear message from the American people that they want Congress to do more to increase the availability of alternative fuels, I hope my colleagues drop any objections they have so this measure can be passed by the Senate.

If we look at the state of the renewable fuel industry today and the state of our energy situation in this country, it is very clear that we need to be doing more to promote the use of alternative energy and renewable fuels.

If you look at the Energy bill that was passed last summer, it included a renewable fuels standard for the first time ever as a matter of policy for this country. We have in law a requirement that a certain amount of renewable fuel—ethanol and other types of bioenergy—be used. Now, that creates a market for ethanol.

We also have on the other side, on the production side, a lot of ethanol plants either currently in production or under construction. In fact, back in my State of South Dakota, we have 11 ethanol plants and 3 others under construction. In just a few short months from now we will be somewhere around a billion gallons of ethanol produced annually.

So we have the production side of it. Our ethanol production is gearing up. We have the market now, the renewable fuels standard we passed last year as a part of the Energy bill, which is something I think was long overdue and much needed in terms of our energy policy in this country.

What we have is a gap in the distribution system. We do not have enough retailers out there, convenience stores, filling stations, that make E–85 available at the pump. In fact, there are 180,000 fuel retailers in this country, and of those only about 600 make E–85 available at the pump.

So what we are talking about is dealing with what, in my view, is a real sort of gap in our system; that is, making all that production that is being brought on line available to consumers in this country who really want to buy and use alternative fuels but do not have access to them because fuel retailers across this country simply do not want to deal with the cost of installing the pumps.

So what this bill does, the Thune-Salazar bill, is provide up to $30,000. The cost for installing a new E–85 pump is considered to be somewhere between $40,000 and $200,000, depending on where you are in the country. But the simple fact is, we think this incentive will go a long way toward filling in that distribution gap so the ethanol production side of it, the supply side of it, can meet the demand; the demand being, of course, the renewable fuels standard we passed last year, as well as Americans' appetite for using renewable fuels and moving increasingly away from our dependence upon foreign sources of energy.

It makes perfect sense. We have an energy crisis in our country. People have reacted with extreme intensity toward $3-a-gallon gasoline. They want to see us take steps that will make America energy independent, that will provide American energy to meet the demands that we have out there in the marketplace, to continue to drive our economy, to provide fuel for those who travel long distances.

I will say, in my State of South Dakota, we are a predominantly agricultural State. We are a State that relies heavily upon tourism. We drive long distances. We are a big user of fuels to get to where we need to go, to get to our destinations—whether it is part of our economy to get to jobs, the marketplace, whether it is farmers in the field or ranchers, or whether it is, again, tourism, which is an important component in our State's economy.

For all these very obvious reasons, we need policies that will make renewable fuels more available to more people in this country. Today, as I said,

there is a point in that distribution system that has been closed off. We have the production over here, the ethanol plants under construction, and those that are already fully operating that are producing more and more ethanol. And we have, again, the demand side, consumers who want to use renewable energy. And we have the renewable fuels standard we passed last summer as part of our policy. There is now a requirement for many of our States to get in compliance with that policy.

What we are missing right now is at the fuel retailer level. This is an opportunity to address that, to do something that is meaningful about lessening our dependence upon foreign sources of energy, about using more American energy, and meeting what is a very serious need in our economy.

So, again, I would refer people to the letters I have included in the RECORD. We have auto manufacturers in this country that are increasingly—you see more and more production of E–85, or what they call flex-fuel vehicles, those vehicles that can use E–85. I have to say, our bill does not preclude other alternative sources of energy from the pumps being installed, from them offering other energy other than E–85.

But I think it is fair to say there is a growing demand in this country for E–85. There are more and more flex-fuel cars being manufactured in America today, as evident from the letter from the Alliance of Automobile Manufacturers. But all the car companies in this country are building more and more cars that are flex-fuel vehicles that could use E–85.

The simple fact is, they cannot get access to the fuel because it does not exist, because we do not have the number of pumps that are necessary out there to provide people in this country who want to use renewable energy and want to use E–85 the opportunity to do that.

In my State of South Dakota, we have E–85 pumps installed in most of the cities across the State. Where that has been true, the cost of E–85 is somewhere from 50 cents a gallon less to up to $1 a gallon less, in places such as Aberdeen, SD.

But the simple reality is, we could do a lot to help ease the pressure on fuel prices in this country. We could do a lot to lessen our dependence upon foreign sources of energy. We could do a lot to meet the demand that American consumers have for using renewable energy. But today we have this gap in the distribution system, and we need to address that.

This is such a straightforward piece of legislation. It is so clear and obvious that it is supported—broadly supported—with, as I said, a big bipartisan vote of 355 to 9 coming out of the House of Representatives. We have holds on it in the Senate. I do not know what those holds are. The rules of the Senate, obviously, preclude us from knowing who has holds on bills. I, urge and plead with my colleagues on the other side who are holding up this legislation to release those holds.

It is important. This is noncontroversial. It is broadly supported. It is very necessary if we are going to follow through on the commitment we made last summer in the renewable fuels standard we passed in the Energy bill to increase the use of renewable energy in this country.

We have the production out there. These plants are coming on line. We have car manufacturers that are making flex-fuel vehicles. We have a renewable fuels standard in place that requires usage of a certain amount of ethanol, renewable or E–85. We have consumers who I believe are very conscious of, again, lessening our dependence upon foreign sources of energy and supporting American-grown energy.

For all those reasons, this bill makes so much sense. I am at a loss to explain why anybody would put a hold on it. I understand there are lots of cross pressures in an election year, but I hope that will not get in the way of doing what is right for the country, following through on the commitment that was made last year in the Energy bill in the renewable fuels standard, to put in place the distribution system, the mechanism whereby people can have access to renewable energy, to ethanol, E–85, other types of alternative fuels that would be made available under this legislation by allowing these fuel retailers to install the pumps that are necessary to deliver it to the American people.

Again, as I said, I have a letter from the National Association of Convenience Stores which represents all the fuel retailers across the country. It is important this legislation move, that it not get bogged down, and it move before Congress adjourns at the end of next week for the elections this year.

I know my colleague from Colorado is here. He has been a great advocate and supporter of this legislation. I enjoyed very much the opportunity to work with him on this legislation. I think he is as frustrated as I am at some of the secret holds that have been put on this bill. But, again, I would urge my colleagues in this Chamber, and those on the other side who have been obstructing and stopping this from moving forward, to release those holds.

There may be other issues associated with this legislation that I am not aware of, but the reality is that this bill, on the merits, is broadly supported in both Chambers by both parties. It is a necessary part of our energy policy in this country. It is high time, for the good of the American people, that we get it passed.

The Senator from Colorado is here. I am sure he wants to take some time to speak to this issue. But I appreciate his support and hard work to get it to where we are today. I know he shares my interest in getting the holds released and being able to proceed forward.

So, Mr. President, I yield back my time to allow the Senator from Colorado to be heard.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that immediately following my comments, Senator LEAHY be recognized for his comments on the pending business.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is the pending business? Is there pending business, might I inquire?

The PRESIDING OFFICER. We are currently on the motion to proceed, on which cloture has been invoked.

Mr. SESSIONS. All right. Does the Senator know how long he might speak?

Mr. SALAZAR. Mr. President, I intend to speak for probably 10 minutes. And I don't know what my friend from Vermont planned on, how much time he will consume after my statement.

Mr. LEAHY. Mr. President, I tell my friends from Colorado and Alabama, I certainly would not consume more time than that.

Mr. SESSIONS. Well, Mr. President, I want to talk on a slightly different issue, so I would accept that and withdraw any objection.

Mr. LEAHY. I thank the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my friend from Alabama and the Presiding Officer.

Mr. President, let me, at the outset, say that I very much appreciate the work we have done on the alternative fuels legislation that Senator THUNE and I have been sponsoring and advocating. I would hope it is legislation we can move forward to yet in this Congress. I think when we look at the issues that are confronting our world, from the issues of terrorism, to the issues of energy independence, there is an opportunity for us to do something significant that will move us down that track of energy independence.

Last year, in the passage of the 2005 Energy Policy Act, we acted together in a bipartisan way to move that legislation forward. I am hopeful the legislation Senator THUNE and I have been sponsoring will, in fact, be legislation that can, in fact, become law and reach the President's desk as a result of the work of this Congress. I appreciate his work and his advocacy in trying to find out where the problems lie with respect to this particular bill.

Mr. President, I would like to turn my attention and remarks to the border fencing bill, H.R. 6061, which is before the Senate today.

First, let me say that as I look at where we have gotten today with respect to immigration reform in this

Congress and here in America, we are now at the point where we are playing political games and gimmicks and tricks with what is a very important national security issue.

At the heart of the immigration reform debate, which has consumed so much of our time in this Senate and this country over the last year, we recognized it is in America's national security interests for us to develop a comprehensive immigration reform package. We recognized, as well, that we are a nation of laws, and as a nation of laws we should be enforcing our immigration laws in the United States of America. And, finally, we recognized there is a reality of 12 million undocumented workers who live somewhere in the shadows of this society and that we ought to move forward and create a realistic program that addresses those 12 million human beings who live in the United States of America today.

Yet somehow today we have gotten away from that comprehensive approach to immigration reform, to look at what is a 1-percent solution. It is a small part of the solution that we need to deal with for immigration reform. Yet it has been chosen that we move forward to discuss this issue because there are political agendas at stake. It is the House Republican leadership that has refused to go along with the comprehensive approach which President Bush and this Senate have advocated, which has resulted in us coming to the point where we are now talking about a fence-only bill to deal with this very complex issue of immigration reform which has gone unaddressed by this country and by this Congress decade after decade.

President Bush, himself, in his address on August 3, 2006—this year—said:

I'm going to talk today about comprehensive immigration reform.

This was just a month ago—6, probably 8 weeks ago, where he said:

I say comprehensive because unless you have all five pieces working together it's not going to work at all.

That was the President of the United States.

Earlier on, the President had said:

An immigration reform bill needs to be comprehensive, because all elements of this problem must be addressed together, or none of them will be solved at all.

Again, this is President George Bush, former Governor of Texas, who has been working on this immigration issue for a long time. He, as President, reached that conclusion. He said:

An immigration reform bill needs to be comprehensive, because all elements of this problem must be addressed together, or none of them will be solved at all. Congress can pass a comprehensive bill for me to sign into law.

Unfortunately, we appear to be failing in getting a comprehensive immigration reform package to the President that he can sign. Instead, we have devolved to the point where there is a piece of legislation which the House of Representatives has passed which is a fence-only bill. This fence-only bill is only a very small part of the solution we face to this very complex problem.

From my point of view, it is a copout and a political gimmick being played on the people of the United States. Let me remind people that it was not so long ago that in this Chamber, by a large bipartisan majority, Democrats and Republicans came together and said we can pass a comprehensive immigration reform package that addresses the issues that the President and the country want to be addressed in immigration reform. It was a law-and-order bill, which we enacted out of this Senate. It was a bill that dealt in a straightforward manner with border security, with enforcement of immigration laws, and also applying penalties and registration to those people who had come forward from the shadows and registered to take them out of the shadows.

I want to briefly review the comprehensive nature of that bill and some of the components that caused me to support the bill as the right way for us to address immigration reform.

First, we said we would do border security. We are not afraid to do that. We ought to do border security because it is our right as a sovereign nation to do border security. It is our right to make sure that we are protecting America against terrorism coming across our borders.

For us, as we worked on that comprehensive bill, border security was very important. In our legislation we added 12,000 new Border Patrol agents. We created additional border fences—in fact, a 370-mile fence—through an amendment authored by my friend from Alabama. We provided new criminal penalties for construction of border tunnels, which we find in places where there are fences today. We added new checkpoints and points of entry throughout the border between Mexico and the U.S. We expanded exit-entry security systems at all land borders and airports.

So, yes, this legislation was a very tough border security bill. It was part of the comprehensive approach that we took.

Secondly, we said that it is not enough to just strengthen our borders. We need to do more in terms of what we do inside our country. We said we would do more with respect to immigration law enforcement. Instead of continuing the patterns and practices of looking the other way in this country, we said we as a nation of laws are going to enforce our immigration laws.

We said we would add 5,000 new investigators in our legislation. We said we would establish 20 new detention facilities. We said we would reimburse States for detaining and imprisoning criminal aliens. We would require a faster deportation process. We would increase penalties for gang members, for money laundering, and for human trafficking. We would increase document fraud detection. We would create, very importantly, new fraud-proof immigration documents with biometric identifiers. And we would expand authority to remove suspected terrorists from our country.

So it was tough in terms of our saying that as a nation of laws we will enforce the laws. We didn't stop there. We said there is something else that needs to be dealt with in America—those 12 million people who are cleaning hotel rooms, working out at the construction sites, and the people who probably provided you with your breakfast this morning. There are those 12 million people here who are human beings, and we need to deal with them in a humane and moral fashion.

We said to them that we will require there to be some punishment and registration with respect to your presence in the United States of America. You must go to the back of the line, and, eventually, over a long 12-year period, after we put you in this period of ''purgatory,'' you may end up becoming a citizen.

We said we would require a fine for their illegal conduct of several thousand dollars. We would require them to register with the U.S. Government. I don't have to register with the U.S. Government; I am a citizen. We are requiring these people to register with the Government. We require them to obtain a temporary work visa. We require them to pay an additional $1,000 fee. We require them to go to the back of the line of the legal immigration process. We require them to pass a background check so we would make sure they would all be crime-free.

We would require that they learn English. We would require them to learn history and government. We would require them to pass a medical exam. We would require them to prove continuous employment with a valid temporary visa.

Mr. President, that was a comprehensive immigration reform law that was passed by a bipartisan group of Senators in this Senate, and it is legislation that we should be proud of.

Today, we are being asked to forget that work we did, forget the comprehensive nature of that reform, and to take a simple piece of legislation on a fence and say that we have dealt with the immigration problem of our country.

That is simply, again, a piecemeal approach to dealing with the issue, a political gimmick being used in this election year. It is a gimmick that we should stand together as United States Senators, Republicans and Democrats alike, and reject it and say we are going to move forward with comprehensive immigration reform.

Finally, with respect to this fence, when you look at what people have said about the fence, some have said it reminds them of the Berlin Wall. Some have said that it is un-American. But I would like to quote from some of the members of the administration who,

frankly, have been working with us on a comprehensive immigration reform package. Secretary of Homeland Defense, Mr. Chertoff, said:

Fencing has its place in some areas, but as a total solution, I don't think it's a good total solution.

We had a fence in our comprehensive reform bill, but it was not this fence that essentially creates a fence all across the wide chasm of Arizona and most of Texas.

Attorney General Alberto Gonzales said this about the fence:

I think that's contrary to our traditions.

He noted that ''99.9 percent'' of illegal immigrants ''come across to seek a better life for their families,'' not to make trouble.

That was his quote with respect to the fence.

He also said:

I don't know if that would make much sense. We've got a 2,000-mile border. Because of natural geography, we don't need a fence or border along certain portions of that border.

Yet, today we are looking at legislation proposed in the form of H.R. 6061 that would create a fence-only solution to this very complicated problem we are facing.

In conclusion, I believe Americans deserve better from the U.S. Congress and from us in the Senate. We can, in fact, move forward with comprehensive immigration reform and deal with this issue of national security importance, of economic security importance, and of the moral importance of how we deal with the 12 million human beings who live in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MILITARY COMMISSIONS

Mr. LEAHY. Mr. President, I thank my friend from Colorado and my friend from Alabama for their usual courtesy.

Over the last couple of weeks, the President, as Presidents do, used his pulpit to inform the Senate that his top priority was fixing the problem he created when he unilaterally proclaimed what laws govern military commissions. This newfound desire, this last-minute conversion to the idea of working with Congress, stands in stark contrast to his position in 2002, when a number of us, Republicans and Democrats alike, reached out to the administration and asked the President to work with us to establish the authority for fair and effective military commissions.

Four years later, after saying flat out, no, now the administration's go-it-alone plan has succeeded in having no terrorist military commission trials completed and no convictions. They are ''tough on terror,'' but nobody has been convicted.

Still, Congress set to work and the Armed Services Committee last week reported a bill that is supported by Republicans and Democrats to authorize military commissions. They worked with the professionals in the military, and listened to them. But this week the Senate Republican leadership has threatened to filibuster that bill, which came from a Republican-controlled committee and was voted for by both Republicans and Democrats.

I am a little bit confused. I have been here for 32 years, and I don't always follow exactly what is going on. But as I understand it, last week, the leadership was demanding immediate action on military commissions, saying they were going to be the Senate's No. 1 priority. All of a sudden, they are going to filibuster that. Just last year, the same leadership could not be more critical of what it called leadership-led partisan filibusters on the Democratic side. But apparently they are a great idea when led on the Republican side, even on legislation they supported—or said they did—in the present conference.

This week, the priority is a 700-mile fence along the southern border and a study to do the same thing along the northern border. It is getting hard to keep track of their real priorities.

In the Spring, the majority leader praised and voted for comprehensive immigration reform. The President supported it. The majority leader stood with Senators on both sides of the aisle and supported that bill. Now, he seems ready to throw our work over the side and abandon our principles.

If there is an opportunity for Senate floor time, why not use it instead to put an end to the ongoing war profiteering and contracting fraud in Iraq? Why not help those suffering from Hurricane Katrina? Why not pass a Federal budget? We are required by law to do that in April; it is now late September. Let's show the American people we will obey the law and pass one. Or we can consider the remaining appropriations bills; most have to be completed by next Saturday. Why not work on lowering health care costs? That would get a great cheer from everybody in my State. Or we can work on health insurance costs, fuel costs, or the rising costs of interest rates and mortgage rates.

The bill before us was rushed through the House of Representatives; it is not ready for consideration on the Senate floor. It has had no committee hearings whatsoever in the Senate. It is completely different than what the Senate passed, with Republicans and Democrats voting for it just a few months ago. I don't know why we could not have worked in the normal way we have done for a couple hundred years here and worked out the bills we had. Actually, this is an issue on which the President could be of help and show some leadership. He stated privately that he preferred the bill we passed, and it would be nice to hear him support it publicly.

Along with a bipartisan majority of Senators, I voted for a far more measured version of a physical barrier on the southern border. In doing so, we demonstrated our commitment to border security.

The Senate bill has a provision calling for 370 miles of fencing in the most vulnerable high-traffic areas. That is what the White House requested and recommended. That is what we were told the Secretary of Homeland Security wanted. It also had a provision, which makes a lot of sense, for consultation with the Mexican Government regarding any building of new fences to help ease the tensions that come along with such a project. We don't have an awful lot of friends around the world and we should not work to lose any friendships from our neighbors. In the Judiciary Committee, we also took into account the differences along the northern border and the very close working relationship and personal relationship with the Canadian Government, and kept out a study for a barrier on the northern border.

Look what we are debating today instead of all that. It is a hasty, ill-considered, mean-spirited measure that will cost taxpayers billions of dollars. America can do a lot better than this. A wall of this magnitude will be a scar on the landscape, a scar on a fragile desert ecosystem, and a scar on our legacy as a nation of immigrants. My grandparents were immigrants; my parents-in-law were immigrants. What does a 700-mile barrier wall say about us as a free country?

Most troubling, this bill would give the Secretary of Homeland Security unfettered power to decide what laws to follow, but even more important, what laws to totally ignore. Read the bill.

Remember, it is the same Department of Homeland Security that just last year was supposed to handle Katrina, one of the biggest governmental screw-ups in our lifetime. The Department of Homeland Security was supposed to have those people back a year later in their homes. Instead, we are spending billions of dollars, most of which have been wasted; it has disappeared. What we do see are homes intended for the victims of the Hurricane sitting in fields, empty and decaying.

This is the same Department of Homeland Security that has not managed to secure our ports, chemical plants, and our borders. It is the same Department of Homeland Security that the House of Representatives would entrust with unlimited power to ''take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.''

Mr. President, we don't create czars in this country. We fought a revolution to get out of the dictatorial control of King George. We have a constitutional form of government. We don't give one person the power to set aside any law they want.

I don't think any executive official, certainly not those who horribly mismanaged our preparation for Katrina and our response to it, should be given

one more blank check. How many more blank checks should we give away? We have already given them to Halliburton in Iraq. We have given them to the Department of Homeland Security for Katrina.

Remember how this administration misinterpreted the authorization for use of military force? We told them to get Osama bin Laden and they failed miserably, even when they had him cornered. Instead, they say: What we really meant was, not to get Osama bin Laden, but that the President can violate the FISA law and secretly wiretap Americans without a warrant. It is like ''Alice in Wonderland.''

This is the same President who signs a law with his fingers crossed behind his back and then issues a signing statement reserving to himself the power to decide what laws to follow, and how and when.

Remember the law against torture? We all voted for that legislation. The President signs a signing statement saying: However, I will determine how best to follow it.

This is the administration to which the Republican House wants to give a blank check, even after Justice O'Connor and the Supreme Court—the Supreme Court made up of seven Republicans out of the nine members—have reminded us our Constitution provides for checks and balances, not a blank check for the administration.

As I said, instead of doing the job we should do—sitting down, having a conference, working this out, and actually voting on this legislation—what do the Senate and House Republican leadership want to do? Just give all the power to a Republican appointee, and we can all go home and campaign for reelection. God bless America.

The only thing the House left out of its bill is calling this a war on immigrants in which they view Secretary Chertoff as the commander in chief. Actually, I would like to see him take care of the problems in this country, starting with Katrina.

Have the lives lost in Iraq and the billions of taxpayers' dollars unaccounted for, the tragedy of 9/11, and Katrina taught us nothing? Everything happened on this administration's watch: Iraq, 9/11, Katrina, and billions of tax dollars wasted trying to fix the messes they created. How many more disastrous mistakes must this administration make before even a Republican-controlled Congress recognizes that abdicating our constitutional role and concentrating power in the executive branch is the wrong strategy for protecting the security and rights of the American people? Do we need to create yet another environment for crony contractors of the Bush-Cheney administration to bilk taxpayers out of billions?

Five years of this administration's incompetence has left America's borders unsecured and our immigration system broken. We joined to pass a bipartisan Senate bill with tough, practical, comprehensive immigration reforms to secure the borders, enforce our laws, and fix our immigration system. We want to bring undocumented immigrants out of the shadows. They are not just numbers; they are actual, real people—mothers, fathers, husbands, wives, children. The President and his administration say that comprehensive immigration reform will make us safer. I agree with the President on this issue. President Bush told the American people he supports comprehensive immigration reform. I told the public I agreed with him. So now, if he wants comprehensive immigration reform, he has to tell the Republican leadership in Congress to stop obstructing it. They haven't even gone to a conference.

Nor do we need a study to determine whether we should build a barrier along the 3,175 miles of the United States-Canada border. Heavens to Betsy, most of us who live up there go back and forth all the time. We are visiting our relatives, visiting our cousins. I have been visiting my wife's relatives for years. When they come down, they are not terrorists, they are our neighbors whom we welcome to the United States. As I said before, and I will say again, I have heard some cockamamie ideas in my time in the Senate, but this rises to the top.

The northern border is different. It spans the continent. It is the world's longest and safest international boundary, and Canada is our most important trading partner. Have we gone blind? It is clear to me that those who want to build this barrier have no clue about the character, the history, and the day-to-day commercial importance of the northern border and the needs of the States and communities that would be affected. It is best to nip this foolishness in the bud before Congress wastes more tax dollars on another bonehead stunt.

America can do better than this. The Senate has already pointed the way with a bipartisan, comprehensive approach. We need comprehensive reform that reflects America's values and which will actually work. The House bill we debate today will cost the taxpayers dearly, but it will accomplish little.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mrs. BOXER. Mr. President, will my friend yield for a question on how much time he would like? I would like to speak immediately following his remarks.

Mr. SESSIONS. Mr. President, I say to the Senator from California, I attempted to follow the Senator from Colorado, and Senator LEAHY wanted to speak next.

Mrs. BOXER. I don't have a problem.

Mr. SESSIONS. I am thinking about 20 minutes.

Mrs. BOXER. That is wonderful. I ask unanimous consent that at the conclusion of the Senator's remarks, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, with regard to the question of fencing along our southern border, I wish to make a couple of points.

Over 1 million people were apprehended last year along that border. One million people coming in illegally were apprehended. Probably another half million got through without being apprehended. Good fences make good neighbors. It is time for us to bring lawfulness to that border. I think the American people want that.

If somebody would like to know the differences between our parties and the differences of how we approach the question of having a lawful immigration system in America, I suggest that my colleague—I enjoy working with him a great deal on the Judiciary Committee.

My colleague referred to the legislation that we voted to move forward to consider—legislation that passed this Senate 94 to 3 to fund the fence on the border and passed 83 to 16 to authorize the fence to be constructed—as ''hasty, ill-considered, and mean-spirited.'' He then went on to suggest Secretary Chertoff is conducting a war on immigrants.

How much of a difference can we have here? How big a gulf? Do the American people want us to just say nothing can be done one more time and just give up, or do they want us to take rational steps that would bring lawfulness to the border? I think they want us to do the latter. They have been asking us to do that for some time, and the votes in this Senate and the House of Representatives have been overwhelming in favor of that approach.

My colleague says that we had hearings in the Senate and we had a Senate bill on the floor, and he implied—I thought he said that fencing was a part of that bill, but it wasn't really. It was my amendment on the floor that moved that bill forward in a significant way. At any rate, we did discuss it, and there has been broad support both in the committee and on the floor to proceed to that matter.

I just want to say, yes, we want comprehensive reform. No, we don't want to end all immigration. The wall the Communists built in East Germany was to keep their citizens in East Germany, to keep them from fleeing their country so they could have freedom. That is quite different from an attempt to maintain a legal flow of people into the country because we just can't accept everybody. This country cannot accept everybody who would like to come.

A recent poll in Nicaragua said 60 percent would come to the United States in they could. A poll in Peru said as many as 70 percent would come if they could. The whole world has millions and millions of people who would like to come to this country. So we ought to set up a rational system, one that serves our national interest, one

that is fair, and then enforce it, set up a system that works. As long as we have a wide-open border, without control and law, we are not doing our duty. I don't think those of us in this Congress, in this Senate, want to go back home after we recess and say we didn't follow through on what probably most of us have been saying—that we do believe barriers are necessary.

The House has sent us a bill, not unlike the Senate bill that we passed 83 to 16 and we voted to fund 94 to 3. The bill I offered had 370 miles of fencing and 500 miles of barriers. The House bill has about 700 miles, I believe, of fencing and barriers and electronics. There is not a lot of difference fundamentally between the two.

We now will have an opportunity to offer amendments to discuss details. Fundamentally, we need to take action. We need to do something. We don't need to go home again and wait until next year without any action.

Then when it comes to comprehensive reform, we need to bury the proposal we have that the Senate has considered and voted on, move that aside, and come back next year with a fresh approach and create a comprehensive plan for immigration that serves our national interest, that is consistent with what our allies, such as Canada and Australia, do, and consider what they do. If we do, we will come up with some good ideas, and we will have something the American people can support.

If we gain some credibility with the American people by, first, taking action toward enforcement, we will be able to do something good, but it will have to be next year. There is no way this Senate should accept a rushed-through package before this election or after this election in some lame-duck Congress that does not have a fresh look at our policy. I will resist that with every fiber of my being, but I will not resist comprehensive reform because I think we need it.

I wanted to share those thoughts, Mr. President. I am pleased that we just had a unanimous vote to move forward to the fence bill the House has passed. We will talk about it today and tomorrow.

I also serve on the Judiciary Committee and the Armed Services Committee. We have had quite a lot of discussions on those two committees and now in Armed Services, in particular, about how to deal with the effect of the Hamdan decision and how to make sure we are in compliance with the Supreme Court opinion. I want to make a couple of points.

The President thought and believed and his top lawyers advised him—his top lawyers advised him—that the detainee interrogation program that was being conducted, that they wanted to conduct, was producing substantial results for America, obtaining information that has thwarted attacks on America and saved lives, has provided information to identify that some of the people involved in 9/11—these are some of the people who have admitted and we have evidence against to prove were actually complicitous in 9/11, coconspirators. The President has moved those prisoners down to Guantanamo.

The interrogation process for those have been exhausted. They believe they have obtained all the information they can expect to obtain. They need to be tried for the crimes they have committed in a war they are conducting against the United States of America. They will be tried in the forum in which they should be tried, in a forum provided for in the U.S. Constitution, in a military commission.

This is not a trial in the Southern District of New York for an American citizen for bank fraud or drug dealing. This is a military commission adjudication of whether these people are involved in a war against the United States that has resulted in the deaths of 3,000 American citizens on 9/11 and other deaths since then. So he had a legal opinion on that. They briefed it to him. And do you remember the President looking us in the eye right after 9/11, and he said just the other night, Monday night a week ago, I guess, on television, he looked the American people in the eye and said: I am going to use every lawful power I have to defend the people of this country. That is my responsibility, in effect, he was telling us, that is my duty, to protect this country, and I am going to use every lawful power I have. And we cheered. And we said: Yes, sir. And we said: Mr. President, catch those guys. Put your people out there and catch these terrorists who have attacked our country and killed our innocent people and crashed into the Trade Towers and run airplanes into them. Go get them. Do you remember that? Boy, I am telling you, people felt strongly about it.

So now what do we have? Oh, we have the complainers and the second-guessers. I just want to say this: I believe the President's program was legal from the beginning. I have researched the law. I have been involved in this. I was a Federal prosecutor. I don't know everything, but I have some understanding of it through both of the committees in which I have been involved, and I know they researched the law and they believed they were operating lawfully.

I remember the Ex parte Quirin case during World War II when President Roosevelt was President. They caught a group of saboteurs who were let loose on the American homeland from a submarine, I believe it was, and they came in and they planned sabotage against the American people. Do you know what they did? And the Supreme Court approved this in the famous case Ex parte Quirin. They took them, they caught them, they set up a commission, they tried them, and they executed most of them in short order because this was not like some normal trial. These were people coming into our country for the purpose of sabotaging this country, people whose motives and desires were to kill innocent men, women, and children, contrary to the laws of war—contrary to the laws of war, which do not allow for that. That is the big deal.

So the people who have been apprehended, the people who were being detained and incarcerated and interrogated were not prisoners of war. This is crystal clear. You can't execute prisoners of war the way we executed the Nazi saboteurs. Prisoners of war are entitled to all of the protections of the Geneva Accords, and they have to be provided great protections and great advantages, really, and we adhere to that, we adhere to that today, and we always have. It was been taught to every soldier in America.

But these are unlawful combatants. They sneak around. They don't wear uniforms. They don't carry their weapons openly. And their goal and tactic is to utilize terror and slaughter innocent men, women, and children to promote their agenda. That is not a soldier. A soldier can drop a bomb on a military target, but a soldier can't shoot because it may unfortunately result in someone being killed. But a soldier can't deliberately have his policy to kill women and children and noncombatants. Otherwise, they are an unlawful combatant, not a lawful combatant, and they have been considered not to have been covered by the Geneva Accords.

But the Supreme Court, in my opinion fundamentally reversing the Quirin case, which the President relied on, came along and said that in Hamdan, Common article 3 of the Geneva Conventions applies to these terrorists and that we need some more rules and regulations with regard to how to try them to create a just trial.

OK. So what did the President do? Did he act unilaterally and say: I am not going to do it, I am not going to comply with the Supreme Court. Yes, he previously said he thought what he was doing was proper. No. What did the President say? He said: Congress, let's review Hamdan. We are sending you some proposals which will clarify what we can do with interrogations, which will fix the concerns about trying these unlawful combatants, and I want you to act on that, and we need to do it quickly because we need to continue to interrogate terrorists and we need to try those people who are responsible for the deaths of American citizens on 9/11. That is not a seizing of power—some dictator. That is not someone who comes along and says: It has to be my way or the highway.

So we have a group of Senators now on the Armed Services Committee who say: Well, they have their own plan and they have researched the law and they don't want to do what the President says. They want to do it their way. OK. This is what Congress is all about.

I agree with the President. From what I understand of the situation, I

am supporting the President's view. But I know people have different views, and I am willing to listen to those concerns. If we can reach an accord that I feel good about and the President feels good about and the Senators objecting who have their own agenda can agree to, that would be wonderful. But there are a couple of things that have to happen.

We cannot end our interrogation procedures that have been so effective. General Hayden, the Director of the CIA, has told us and pleaded with us that if we adopt the proposal the Senators have favored—and it was voted out of the Armed Services Committee—he is going to have to stop the program. Wow. He is going to have to stop that program. So we don't want to do that, surely. I mean, this is a man of integrity and ability and experience. He has talked to his people who conduct these interrogations. They are not torturing anyone. We have a statute that prohibits the torture of anyone—Federal law. People can go to jail for that. It defines what torture is in very explicit terms. If somebody has proof that our people have tortured somebody, well, let's bring them up and try them. But let's not overreach here.

We are in a dangerous world. The leader in Iran recently said that his goal was to see the United States of America bow down before Iran, in a public address. How about that? We have nonstate extremists committed to death and destruction around the world through suicidal attacks, and they represent a real threat to the peace and dignity of the whole world. So this is not an itty-bitty matter.

There are two things that have to be done, and we should do them before we adjourn. The two things are as follows: We need to establish the rules for interrogations because if you read through the lines, if you read through the lines, what you will hear those agents saying is: We thought we were serving you. We thought we were following all these rules the lawyers told us to. But we were using what we thought were legal tactics and techniques to interrogate prisoners, and we have obtained great and valuable information which will help protect our country, which has helped us identify people who attacked us on 9/11, which has thwarted attacks. We have done all of these things. That is what we thought you wanted us to do, Congress. Now you tell us we are some sort of beasts and that we have done all these things wrong and we ought to be sued. And many of our people are being sued right now—400—by terrorists, and we are going to accuse them of being less than American. They put their lives on the line in some of the most dangerous areas of this globe to capture these terrorists. And they are saying: OK, Congress, you tell us.

That is what I read General Hayden to be saying. He didn't say that exactly, but he speaks for those agents of his. And they are having to take out insurance policies against lawsuits because they expect to be sued more by terrorists. Where did this happen—in a war, we have lawsuits?

I am suggesting that this matter is no light deal. We do not need to make a mistake and destroy the morale of those who have served us so ably, with so much fidelity and courage and hard work. We need to fix this, and we need to allow them to utilize legitimate techniques. Some of those have the ability to stress an individual for a period of time but not torture. That is against the law. That is illegal. It is not against the treaties we have signed. We can do that, but we don't need to go too far.

The next thing is, it is time to get on with the trial of the people who attacked us, in a military format because it was a military attack on us. Al-Qaida, you remember, bin Laden declared war on the United States of America for years before 9/11. He attacked our warship, the USS *Cole*, he attacked our embassies in Africa, and there have been other attacks. We are in a state of hostilities with al-Qaida directly, and we have authorized those hostilities by the Congress of the United States. So they are rightly to be tried not in the Southern District of New York, not in the U.S. District Court for the District of Columbia, they are to be tried in a military commission as an extension of the military campaign, the war we are conducting.

The military commissions are not the same as trials, I have to tell my colleagues. They are just not. It is a different animal. Because we are Americans, we want to be sure that even those terrorists we try are not unjustly convicted, that the evidence against them is legitimate and that it proves their guilt to the required degree, and only then should they be punished, as opposed to just being detained, actually punished for the crimes they committed. But it does not require that we meet the standard of Federal district court.

Let me just say these two things. We have made mistakes before. This time we are in now, we have the newspapers all excited, saying we have abused prisoners. We have leftist groups and world interest groups, and they have all said we are abusing prisoners and Guantanamo is horrible. Well, I have been to Guantanamo twice, and it is not horrible. They are treating those prisoners fairly and decently. They are not being tortured. Anybody who abuses prisoners is being disciplined.

They said: Well, you abused prisoners in Abu Ghraib. Well, they have been tried and sent to jail, the American soldiers who participated in that. They put them in jail. And it was not part of any interrogation. What they did was just an abuse of those prisoners for their own amusement, their own sick feelings or ideas. They were not interrogators. They were not interrogating them. They were not following any rules of interrogation. They were just abusing prisoners. And we have tried them and convicted them and sent them to jail. The fact that they did that was discovered by the military itself. Our military has done its level best to treat prisoners fairly and justly, and it is a slander on them to continually suggest that is not so. People from all over the world have gone to Guantanamo.

So I want to say this warning. I am going to watch this legislation. Even if the President agrees to it, I am going to read it. I don't know what they are talking about now. I haven't seen the latest negotiations between the Armed Services Committee and the White House. I want to give this warning. It wasn't too many years ago that people in the Congress and in the news media and the world groups all raised cain, and they said that CIA agents were out talking to bad guys, people who had criminal records, and they were paying them money to be informants for them. And some of them had actually killed people, and this was horrible. The CIA couldn't have that judgment call to make anymore, and they should never again associate themselves with people with criminal histories. The people said: This is going too far.

Many times, the only people who know anything are people who are participating in it. You have to get the information wherever you can get the intelligence. No, the Congress said, listening to the media, listening to the ACLU-type groups. No, no. We have to crack down on our agents and make sure they don't deal with people with criminal records. So we passed a law that banned that.

Then they said: Well, you know, the CIA can gather information differently than the FBI. We don't know what they might gather, so we have to create a wall between the CIA and the FBI, and the CIA can't share information with the FBI—not to prosecute somebody—just to find out what is going on. In this country, when they find out from foreign intelligence that someone is threatening the security of America, they are not able to share that information readily. I suppose they were trying to mollify the news media and the activist groups and those who are always complaining. Maybe they did, in the short run. But do you remember what happened after 9/11? I remember. We said we didn't have enough intelligence. Why didn't we know this was happening to our country? Why didn't we know?

We began to look at it and see what was happening. Both of these issues—they were passed in a fit of morality or trying to go overboard to prove we were good and decent people. They went back and found both of these tactics, the wall between the FBI and the CIA and the ban on agents talking to dangerous people with criminal records were bad, and we promptly reversed them. Can you imagine that? So we threw them out.

All I am saying is we need to watch this deal coming forward to the Senate

today. We do not need to go too far. We have laws against torture. We have laws that require us to treat prisoners with decency and respect in accordance with the Geneva Conventions. But there are things we can do consistent with our law and consistent with our treaties. It would be a mistake for us to unilaterally, out of some sort of attempt to placate opinion around the world or the opinions of those who dislike us, to adopt restrictions on our capabilities that go beyond what the law requires. How silly would that be.

It might not make a difference in this case, because he has already confessed, but what cases are we going to see in the future? What other threats will this country have? I, for one, am not going to participate in unilaterally hamstringing the ability of our military and our intelligence agencies to do their job, to protect America consistent with our law, consistent with our heritage, consistent with the treaties which we signed.

It is a tough call. The matters are very complicated. I respect people on both sides, but I am telling you we need to be careful. We don't need to make the mistakes we did when Frank Church was running the Foreign Relations Committee in the Senate and we made a lot of errors, and other errors we made over the years.

I thank the Chair for allowing me to share these thoughts as we continue to wrestle with how to establish interrogation rules and trials of those who have attacked our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AFTER 9/11

Mrs. BOXER. Mr. President, I have listened to the Senator from Alabama. He brought us back to 9/11 and that is where I am going to start in my remarks right now, on a dreadful day when we saw the Pentagon in flames right here from the Capitol and we ran down those front steps and it was the bluest of skies and we were looking for Flight 93, was it coming our way? We all vowed to go get the people who attacked us.

I came down to this floor and with a heart full of grief. Every one of those planes was going to my State. I voted to go get the terrorists. Go get al-Qaida. Go to war against Osama bin Laden. I am sorry to say that, for whatever reason—and we are beginning to learn more about it—based on misinformation, faulty information, skewed information, we turned around and we took our resources, great resources and the greatest men and women in the military, and we went into Iraq.

The bipartisan Senate Intelligence Committee now tells us unequivocally there was never one connection between al-Qaida and Saddam Hussein. Remember all the talk and all the chatter from the Vice President and the President and Condi Rice? Remember when Donald Rumsfeld said we know where those weapons are? I remember sitting literally 8 feet from Donald Rumsfeld, asking him where the weapons of mass destruction were. And he said, Oh, they are all around Baghdad. You go down the street, take the left, turn to the right—there they are.

No. No. Now we have a circumstance where, because of the great work of our intelligence community, we have brought back people, some of whom were involved—that is what we believe—in 9/11. Right now we do not have a system in place so they can meet their just reward because the Supreme Court said Congress has to act and set up a tribunal in a way that respects the Geneva Conventions—this is very important.

We have three Senators with distinguished military careers on the other side of the aisle, who have said: Whatever we do we must not jeopardize our troops. Therefore, we must make sure that we do not do anything to change the Geneva Conventions. What do they get for thanks from those who have never seen combat?

My husband served in the military. I know what it is like to sit and wait, because he was 6 years in the Army Reserves, asking, Will he be called? Won't he be called? We were fortunate. Senator MCCAIN was not that fortunate. He was a prisoner of war. He, JOHN WARNER, and LINDSEY GRAHAM, who was an attorney in the military, are guiding us to write something that makes sense so that we can try these people. And if in fact they are guilty, they can meet their just reward.

They get people on their own side of the aisle calling them out. I think it is outrageous. To quote the Senator from Alabama:

> People who don't agree with the President on this, they are slandering the military.

I can't believe it. It is basically like swiftboating Senator MCCAIN and Senator WARNER. It is unbelievable.

Who would you trust, I ask the people of America, on this military matter? People who never served a day in combat or people who put their life on the line? And then to hear them slandered in this way on the floor of the Senate—not by name, but by inference—is very disheartening. And to see a Republican do it to a Republican? I don't get it. I don't get it.

I hope we can come together to make sure we have a good plan in place because if we do not have a good plan in place, what good does it do us? It doesn't do us any good if we don't have a plan in place that passes the legal test, because it will be thrown out by the courts and we will be back to square one and we will not be able to try these people in the way they ought to be tried.

I come here to say thank you to those Senators who stepped out and said: Wait a minute; we want to do this right, Mr. President. Work with us. We want to do it right.

I think we have had enough. We have had enough of swiftboating around here, and it has to stop in America. It has to stop in America.

I want to go back to 9/11 because when I voted to go after the terrorists, that is what I thought this Government was going to do. I thought they would throw all the resources at it. We went into Afghanistan. We freed the people there. I was proud. I went to my Afghan-American community and I was so happy for those people. They saw light. And we shorted that. We shorted them. We don't have enough troops there.

You know what is happening even in Kabul now. You are seeing attacks on women and girls, you are seeing murders. The poppy trade is growing. This was our opportunity to not only find Osama bin Laden, who was there, but also to make Afghanistan a model of democracy that the President is always talking about. He stood up at the United Nations—some of the things he said I really believe were correct. But one of the things that was not correct is when he said: We need democracy; take a look at what we have done in Afghanistan and Iraq.

I can tell you, anyone with a television set looks at what is happening in Iraq and says: Oh, my God, it's close to civil war. He puts that picture in our minds next to the word democracy? That is not going to help people. People looking around the world at that say, You know what? I really want democracy, but if my country is going to look like this, count me out.

It is just not real, Mr. President. It is not real. Just like it is not real to go after three Senators with distinguished military careers and tell them they are off-base when they try to put forward a solution to the problems that we are facing in terms of how we try these alleged terrorists. If they did what we think they did, again, I don't want them sitting in prison, I want them tried, convicted, and meet their fate. That means we need to put a system in place.

After 9/11 and after we took that turn and we didn't go after the terrorists as we should and we went into Iraq instead and we got bogged down there, year after year after year, and the President's plan is, and I quote: We will be there as long as I am President. That is his plan. That is not a plan. That is not a strategy. That is not a policy of success. It is the status quo, and it is weighing on the American people.

The President said that. I agree with him. It is weighing on the American people. What he didn't say is it is weighing down the American people because it is so expensive that it is up to near $8 billion, $9 billion, $10 billion a month in Iraq.

I went to a rally on The Mall today for cancer survivors. Mr. President, I don't know if you got to go over there, but it is the most touching thing I have seen in a long time. Each State there has a tent and in the tent are the cancer survivors. They are asking us,

they are begging us, they are pleading with us to reverse the cuts that this President made in this budget for cancer research. That is what they are asking.

We spend $5 billion a year on cancer research—$5 billion. That is 2 weeks of the Iraqi war. Why don't we just decide we will end the war 2 weeks earlier and double the funding for cancer research?

Our families need us at their backs. They cannot do this alone. They cannot find the cure for cancer. They cannot come up with the treatments, with the science. Many of them need insurance. We spend $10 billion a month, almost, for the Iraq war. Think about it.

So this war, which has nothing to do with the war on terror, which has been shorted because of this war, is also now stealing from the American people, and they do not want it. They want to start bringing the troops home.

We need a political solution in Iraq. We need a conference with that country and its neighbors. We need to look at semi-autonomous regions, with the Federal Government there making sure that the oil is distributed in the right way. That is a way out of this. Senator BIDEN has explained it many times. He understands that it is not a policy to just say we are just going to keep on keeping on.

Anyone who has ever read a book on Iraq knows that after World War I the Brits put together everyone in that country who didn't get along with each other and then they were just busy taking in oil while everyone else was fighting. It took a monstrosity of a man, a tyrannical man, to keep that country together—and now that man is facing his just rewards.

But there has to be a better way than the status quo. We need a new direction in Iraq, and we need it because the Iraqi people have to step up to the plate and take care of their own country. No country can survive with an occupation force running the show. It doesn't work.

They have to want freedom and democracy. They have to love each other enough to live in the same country as much as we want it for them; otherwise, this is an endless war. This is the forever war.

Come to my office. In front of the door I have four easels. I am sorry to tell you they are huge easels with small print. On those are the names of the dead from California or based in California. We are all faced with this in our States more and more—brokenhearted mothers, hysterical children. And what is the ultimate plan?

First, it was the mission: go get the weapons of mass destruction. Then we found out there were none. That mission was done. Second mission: go get Saddam Hussein. Our military was brilliant. They got Saddam Hussein. He has been brought to trial. Then they said, well, things are still not good. Maybe you ought to get his family members, and we will show them to the Iraqis. That will stop the killing. Tell them that we mean business. Our military did it. That didn't help. Oh, well, we will get a terrorist. That will show them. That didn't help because the underlying problem is these are people who have hatreds that go way back. They have to decide if they want to set those hatreds aside. Otherwise, we will be there forever.

We are fueling terrorism. We cannot stop this civil war. And we are paying the price in dead and wounded, 20,000-plus, with the worst injuries you can imagine, including brain damage, burns, things that I don't know whether any of us here could actually imagine.

The cost is weighing us down. Everywhere you look we don't have the money for this, we don't have the money for that, we don't even have the money for what Senator SESSIONS is putting before the body, which he voted for before. There are areas of the border where you can build the fence. This isn't an issue with me. But we don't even have the money for that. It is not even in this bill that is before us. Where are we going to get it?

I wasn't going to go on and on with these different subjects because I really came to talk about the state of agriculture in my State. I am going to do that now. But when the Senator from Alabama—and he is most sincere—came down here and attacked people who are trying to find a reasonable solution to a difficult problem and said that they were slandering the military if they do not agree with the President, I had to talk about these things.

It was a Republican President who said this. I wish I had the exact quote. I will paraphrase it. This was Teddy Roosevelt. He said—and I paraphrase—that the President is the most important elected official among many, but those who say that he should not be criticized are guilty of being servile and border on the treasonous.

I can tell you when I came here, I took an oath to protect and defend my country. I told the people of California they could count on me to do that. I didn't come here to be a servile Senator, to rubberstamp any President, Democratic, Republican, Independent, you name it. And I certainly didn't come here to say to another Senator who might not agree with me that if they do not support the President they are slandering the military. I find that over the top, outrageous.

We have a bill before us that, as I understand it, the Republicans are not going to allow us to amend. I hope I am wrong. I hope Senator FRIST, in fact, will allow us to amend it because there are some very good ideas in this body that need to be heard about security, about immigration reform. And I know my colleagues in the Chamber today have worked very hard to try to bring balance into the way we approach the immigration debate. I support them on that.

I want to tell you what is happening in my State right now. We haven't acted, and we haven't taken care of the broader issue. I have a farm community, an agricultural community that is in deep trouble. It seems to me, since we have 62 Members supporting the Craig-Kennedy bill, which is the AgJOBS bill, that at minimum we ought to be allowed to offer an amendment, which I know Senator CRAIG wants to do, to deal with this terrific problem. We must do more than one thing at a time.

To those people who say we will take care of the fence, and then after it is built we will figure out how we can take care of the rest of the immigration problem, I say that is a recipe for economic disaster, at least in the agricultural community.

I want to read to you a letter that I received from an organization that represents 1,100 organizations, the United Fresh Produce Association. The headline says: ''Farmers to Congress: Support a Safe and Secure American Food Supply, Pass an Immigration Fix Before the Election of 2006.''

It goes on to say that we have a horrible problem in our agricultural industry.

Here is what they say:

American labor-intensive agriculture has proactively sought a solution to its labor and immigration challenges since the early 1990's. Unfortunately, Congress has failed to act. Now, growers and producers are experiencing actual labor shortages rather than just shortages of legal workers. Labor shortages are being reported from coast to coast. Crop losses are starting to occur, from berries and pears in the West to oranges in Florida.

Specialty crops, fruits, vegetables, nursery, greenhouse and floriculture plants, turfgrass, sod, wine grapes, forage crops, and Christmas trees comprise 50 percent of the value of the American crop agriculture. They are labor-intensive crops, and they are at risk. Also at risk are poultry, dairy and livestock production.

My dairymen tell me the same thing. They talk about the fact that the 50-year-old flawed guest worker program just isn't working. It is unresponsive, it is bureaucratic, and it is expensive. It is litigation prone. They are asking for this AgJOBS bill.

You may ask: Senator, why can't you offer this amendment? The answer has to come from the Republican side. They control this place. I can tell you right now there is support from 1,100 businesses from growers to shippers, wholesalers, retailers in every state want this bill.

I ask unanimous consent that their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARMERS TO CONGRESS: SUPPORT A SAFE AND SECURE AMERICAN FOOD SUPPLY—PASS AN IMMIGRATION FIX BEFORE ELECTION 2006

American labor-intensive agriculture has proactively sought a solution to its labor and immigration challenges since the early 1990's. Unfortunately, Congress has failed to act. Now, growers and producers are experiencing actual labor shortages rather than just shortages of legal workers. Labor shortages are being reported from coast to coast.

Crop losses are starting to occur, from berries and pears in the West to oranges in Florida.

Specialty crops (fruits, vegetables, nursery, greenhouse and floriculture plants, turfgrass sod, winegrapes, forage crops, and Christmas trees) comprise 50% of the value of American crop agriculture. They are labor-intensive crops, and they are at risk. Also at risk are poultry, dairy and livestock production. An estimated 70% of the farm labor force lacks proper legal status. The only available labor safety net is a 50 year-old flawed guest worker program known as H–2A, which presently provides only two percent of the farm labor force. It is unresponsive, bureaucratic, expensive, and litigation-prone.

The reforms American agriculture needs now are two-fold: An agricultural worker program, such as reformed H–2A, that meets the special needs of agriculture; A workable transition strategy that allows for more experienced workers to earn legal status while capacity is built on the farm and at the border for wider reliance on an agricultural worker program.

Last May, the U.S. Senate passed a comprehensive immigration reform bill. It contains agricultural provisions consistent with the needs outlined above. Namely, it overhauls H–2A to streamline the program, make it more affordable, and provide a balance of worker and employer protections.

By contrast last December the House of Representatives passed a harsh and anti-employer border security and internal enforcement bill. If it became law, H.R. 4437 would cause American agriculture to lose most of its workforce through mandatory and universal electronic verification of employment authorization documents.

What is at stake? America's food independence and security.

That's a matter of national security.

And the economic contributions and job-creation that exist here in America because the production is here.

A recent study by the American Farm Bureau conservatively projects that the loss of the workforce from an enforcement-only bill would result in U.S. fruit and vegetable production falling $5–9 billion annually in the short term and $6.5–12 billion in the long term, with impacts in other production sectors reaching upward of $8 billion. Three to four jobs in the upstream and downstream economy are generated by each farm worker job, so well over one million good American jobs are at risk.

To avert an unfolding crisis in American agricultural disaster, Congress must enact comprehensive immigration reform that that ensures growers and producers access to a legal workforce American agriculture is unified behind these critical principles:

A safe and secure domestic food supply is a national priority at risk. With real labor shortages emerging, agriculture needs legislative relief now. The choice is simple: Import needed labor, or import our food!

If perishable agriculture and livestock production is encouraged or forced offshore, we will also lose three to four American jobs for every farm worker job.

Any solution must recognize agriculture's uniqueness—perishable crops and products, rural nature, significant seasonality, and nature of the work.

Enacting enforcement alone, or enacting enforcement-first, will cause agriculture to lose its workforce. Even ''doing nothing'' will worsen the growing crisis, with the border already much more secure, and worksite enforcement on the rise.

As part of a comprehensive immigration reform or stand-alone legislation, agriculture needs a program that (1) eliminates needless paperwork and administrative delays; (2) provides an affordable wage rate; and (3) minimizes frivolous litigation.

For a successful transition, trained and experienced workers who lack proper legal status should be able to eventually earn permanent legal status subject to strict conditions like fines, future agricultural work requirements and lawful behavior.

American farmers, ranchers, and business people are depending on Congress to pass a good bill without further delay. To do otherwise jeopardizes American agricultural production and jobs and the food security of our Nation.

For more information: Agriculture Coalition for Immigration Reform, Craig Regelbrugge; National Council of Agricultural Employers, Sharon Hughes; United Fresh Produce Association Robert Guenther.

Mrs. BOXER. Mr. President, we need to pass an AgJOBS bill. Our farmers and our ranchers are begging us to do it. They need a solution. But because we haven't acted, everything is paralyzed.

I want to show you a picture of Toni Skully, a pear farmer from Lake County, CA, looking at the pear crop she lost because she didn't have enough workers to pick the trees. Pear farms are an estimated $80-million-a-year business in California. They were unable to harvest 35 percent of their crop this year due to the lack of field and packinghouse labor. Unfortunately, situations like Toni's and the pear growers of Lake County are happening all over California.

I discussed this with my colleagues. They are telling me it is happening in their States, too. My lemon growers in San Diego are experiencing a 15- to 20-percent harvest loss. Avocado farmers in Ventura County are worried about workers for the December planting season. Tree fruit growers in Fresno County have seen their labor force increase by as much as 50 percent. In Sonoma, as many as 17,000 seasonal farm workers have not returned from Mexico to work in the fields.

According to USDA, agriculture is a $239-billion-a-year industry. And if we refuse to provide a solution to labor shortages now, we are jeopardizing our domestic economy and our foreign export markets. We are driving up production costs that get passed on to consumers. Our consumers are already having trouble. Even with the decrease in gasoline prices, they are way up from where they where historically. They are dealing with health insurance premiums that are way up. They are dealing with college tuition costs and education costs that are way up. Now they are going to walk in the supermarket where we have such good prices and see that prices are up because of the inability to hire people because there has been a crackdown on the workers.

All of that is happening for one reason: the House wouldn't follow the Senate. The Senate had taken care of it. We had a good, broad bill that dealt with border security, additional guards at the border, and everything they needed at the border, plus a way to deal with the agricultural industry and the millions of workers who are in the shadows who are afraid to come out of the shadows.

Let me tell you, do you think that makes us secure when we don't know who they are? I don't think it does for a minute. That is why we need to have this type of bill passed in the Senate.

But at minimum, I say to Senator FRIST, allow us to offer the Craig amendment. Senator FEINSTEIN is very strong on this.

It was interesting. Independent of one another we immediately said we ought to offer the Craig-Kennedy amendment. She and I talked to Senator CRAIG. We said: Please put us on as cosponsors.

A 2006 study done by the American Farm Bureau found that if agriculture's access to migrant labor is cut off, as much as $5 billion to $9 billion in annual production would be lost—and that is just the short-term prediction. If agriculture's access to migrant labor is cut off, as much as $5 billion to $9 billion in annual production of primarily import-sensitive commodities would be lost in the short term. That is a statistic from the American Farm Bureau Federation.

Again, this is a place where Republicans and Democrats should come together. I don't understand why Senator FRIST will not allow us to offer this Craig amendment. We have a vast majority in this body in favor of it. Our farmers say pass the AgJOBS bill now.

It is supported by United Fresh Fruit and Vegetables, the Agricultural Coalition for Immigration Reform, the National Council of Agricultural Employers, Western United Dairymen, the California Grape and Tree Fruit League, California Citrus Mutual, among many other agricultural groups.

The AgJOBS bill pulls together both the owners and the workers. This is rare in and of itself to have everybody come together, farmer groups and the agribusiness people coming together, and yet with all that support—I believe we are up to 62 supporters in the Senate—we cannot at this stage be assured that Senator FRIST, the Republican leader, will allow us to have a vote on this amendment.

The AgJOBS bill would allow immigrant farm workers who are here now to harvest the crops. It would put 1.5 million workers on a path toward legal status if they prove they worked in agriculture before enactment of the law, and if they work 3 to 5 more years in agriculture after its enactment.

It is a way to save the workforce and get people out of the shadows. We know who they are. That is key, to know who is in this country, not to have people hiding. It makes no sense.

In May, the Senate again passed immigration reform that included this very language we want to offer. It got 62 votes. Building a border fence—again, I voted for it. There are parts of our border that need that kind of structure. I don't have a problem with it.

What I have a problem with is the fact that is not going to solve our problem because we need to address the economy. We are worried about a housing slump. It is coming on pretty quick. We hope it does not materialize, but it does not look good. In many cases, a housing slump is followed by a recession. Do we want to add to the trouble by having a situation where as much as $5 to $9 billion in annual production is lost? I don't think so.

I will do whatever I can to convince the Republican leadership to allow Congress to take care of agriculture. When we have a bill that is supported by 62 Senators, on both sides of the aisle, that is supported by labor and management, it makes sense to move it forward. I cannot stand the thought of looking in the eyes of my dairymen and my farmers one more time when they come back here and say the first issue on their agenda is this problem they are having with their workforce.

There is a way to do this that makes sense. There is a way to do this that will give us control of our border. That is what we ought to be doing. We ought to be looking, at the minimum, to saving our agricultural industry.

I say to my Republican friends, and I am being very honest, I am not sure farmers have been my strong supporters over the years. They usually go Republican. I can read the list of supporters. What is the majority doing, shutting them out?

Let's work together. Let's work together for them, for the consumers, for the workers. We cannot afford the one-two punch of an agriculture industry that begins to fall apart as the housing industry is having problems. We just cannot afford to see another sector have a problem. Autos, housing, now agriculture?

Please, this is too important to play politics with. Help our agriculture businesses. Help our workers. Help get people out of the shadows. Do something to help America. Don't keep this bill so narrow in focus that we do not see the forest for the trees.

I hope we have some good news and that there will be a good agreement on our surveillance issue, on our military tribunal issue. I hope the leadership will open this up to save our agriculture industries. They are asking us for this.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the Senator from California for the passion she brings to this issue in pointing out the fact that, indeed, there are major industries in this country that are desperately in need of a labor pool. Agriculture, as the Senator has so articulately pointed out, construction, the tourism industry—three industries that affect our State and the Senator's State—all three of those industries are enormously important.

If we want to do something for immigration and actually make what is, in effect, amnesty now, because the law is not being obeyed, at the time the Senator and I served in the House of Representatives in the 1980s, in which we voted for that immigration bill, there were only an estimated 2 million people in the country illegally. Now it has swelled to something like 12 million.

Amnesty is the condition we have right now because the law is not being obeyed by the people who are supposed to obey it and the U.S. Government is not enforcing the law which allows all the more illegal entrants into the country.

The solution, in the interest of the United States, it seems to me, to get our hands around the problem of illegal immigration, is to pass a law that has some teeth, that will be obeyed and, at the same time, provides the labor pool so we do not wreck our economy in the meantime.

The Senator from California has just pointed out industries in her State, agricultural interests in her State that, in fact, are having difficulty getting workers to harvest the crops. It is another one of the little ironies, that people are saying amnesty, amnesty, amnesty, amnesty, and what we have right now because the law is not being obeyed.

We ought to pass a bill, a bill that controls the borders—of course, there are more reasons for controlling our borders than just immigration, with terrorists coming into our country—a bill, in addition, that will address the labor needs.

UNANIMOUS-CONSENT REQUEST—S. 2810

I address the Senate on another subject with regard to seniors and their prescription drug coverage. We have long advocated there be meaningful prescription drug coverage. Two or 3 years ago we passed one. It ended up showing there are quite a few deficiencies in the prescription drug coverage Medicare Part D for senior citizens. However, it was passed and it is law.

It is our job now to improve that law and correct the deficiencies, plug the loopholes, and make the appropriate changes to this program that are going to help seniors afford the cost of prescription drugs.

Over the past several months, as we have been dealing with this issue, I advocated extending the enrollment period under the Medicare prescription drug program and the elimination of the late enrollment penalty. Under the current law, which was passed several years ago, seniors who did not sign up by May 15 of this year—that was the deadline—and who enroll at a later date, when they do enroll for the Medicare prescription drug program, they are going to pay a penalty of 1 percent of their premium tacked on for each month they delay the enrollment. If they wait to sign up until the end of the year, they are going to pay a late enrollment penalty of 7 percent.

If the whole idea of giving senior citizens some financial help with a prescription drug program is to help them financially, and now we are going to slap a 7 percent late enrollment penalty on them, it works at counter purposes to what we are trying to do to help the seniors.

The Congressional Budget Office says that three million seniors are going to have to pay these higher premiums because they will have the penalties assessed. Many of the senior citizens in this country simply are not aware this penalty exists.

The Kaiser Foundation did a survey and found that nearly half of the seniors are unaware they face a financial penalty if they did not sign up by May 15. We tried, before May 15, to get Congress to extend the enrollment deadline. We got well over a majority of the votes, but we could not get the 60 votes to cut off debate. I believe we ought to at least waive that penalty for those who did not enroll and want to do so at the end of this year.

We filed a bill, S. 2810, the Medicare Late Enrollment Assistance Act, that allows Medicare beneficiaries to sign up during the next open enrollment period without a penalty.

Last May, after the deadline had just passed, this Senator worked with Senator GRASSLEY and Senator BAUCUS to introduce this bill. The bill now has 45 Senators cosponsoring it. The enrollment period for next year is fast approaching. We need to pass this bill before we adjourn. We have less than a week and a half. We have a week and 2 days until the Senate adjourns. It is imperative the Congress pass this legislation and not just continue to talk about it.

It is wrong to penalize seniors who could not enroll by the deadline. What we all ought to be doing is to make this Medicare prescription drug program more senior-friendly. That includes exactly what this bill is. It was filed on a bipartisan basis. It is time to stop playing politics with the health care of our seniors. Waiving that enrollment penalty, backed by Senator GRASSLEY and Senator BAUCUS, is the compassionate thing to do.

We are not alone in this. Listen to the organizations that have come out in favor of S. 2810, the Medicare Late Enrollment Assistance Act: AARP; American Diabetes Association; Alzheimer's Association; American Autoimmune Related Disease Association; Asthma and Allergy Foundation of America; Cystic Fibrosis Foundation; Epilepsy Foundation; Lupus Foundation; Men's Health Network; National Alliance for Mental Illness; National Council of Community Behavioral Health Care; National Family Caregivers Association; the National Grange of the Order of Patrons of Husbandry; the National Health Council; the National Osteoporosis Foundation; the AIDS Institute; the Arc of the United States; United Cerebral Palsy; and the National Coalition for Women with Heart Disease.

That is a pretty broad spectrum of people who deal in health care, particularly with regard to seniors.

Now, somebody may say: Well, it is not paid for. Members of the Senate, it is paid for. The bill is estimated now to cost $500 million over 5 years. And this cost is offset by using part of the stabilization fund which was set up in the Medicare drug law. That fund was to be used to subsidize and entice private companies into the Medicare Program. But the fund is sitting there, and it is not needed because private plans are abundant in the Medicare market. There is money available, and it is time not to penalize our seniors.

So, Mr. President, I ask unanimous consent that the Senate immediately take up and pass S. 2810.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Oklahoma, I object.

Objection is heard.

Mr. NELSON of Florida. Mr. President, given the fact that is the case, that we cannot proceed, and given the fact we have 1 week left in order to avoid this penalty, it is my hope there may be a vehicle that will come along, and that since Senator GRASSLEY and Senator BAUCUS have been trying so hard to get this legislation up, they may find an appropriate legislative vehicle on which to attach it to bring this needed relief to the senior citizens of this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Pennsylvania.

WRIT OF HABEAS CORPUS AND DETAINEES

Mr. SPECTER. Mr. President, I have sought recognition to discuss the issue of habeas corpus, which is the Latin term used to define the great writ from ancient England to produce the body, to determine if an individual is being lawfully held.

The writ of habeas corpus has an illustrious history in common law, in English law, and in American law. It is the focus of attention on issues now being considered relating to detainees in Guantanamo, and was the focus of attention in the Hamdan case, which is now being considered by the Congress of the United States in terms of complying with the order of the Supreme Court of the United States for the Congress to discharge its constitutional duty under Article I, section 8, to establish procedures for military commissions.

We have pending at the present time two bills: the Terrorist Tracking, Identification, and Prosecution Act, S. 3886, which has been proposed by the administration; and the Military Commissions Act, S. 3901, which has been reported out by the Armed Services Committee.

There have been extended discussions about these bills in terms of compliance with the Geneva Conventions, whether classified information may be used, whether hearsay is appropriate, whether coerced confessions can be used. But there has been relatively little attention—almost none—on the fact that both of these bills eliminate the writ of habeas corpus review.

Had this prohibition been in effect earlier, the case of Hamdan v. Rumsfeld, decided in June of this year, might not have been decided. As a matter of law, it is my legal judgment that Congress cannot act to delete the remedy of habeas corpus because the Constitution provides, as follows: Article I, section 9, clause 2:

> The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Now, we do not have a rebellion and we do not have an invasion. Those are the two circumstances under which the writ of habeas corpus may be suspended. Since neither is present and the Constitution cannot be altered by statute, the pending legislation may be unconstitutional.

As a matter of public policy, the writ of habeas corpus is also established as a statutory base in Title 28, United States Code, section 2241. In the case of Rasul v. Bush, in 2004, the U.S. Supreme Court ruled that the detainees at Guantanamo Bay have a right to file petitions for habeas corpus so that a Federal court may review the evidence which justifies their continued detention.

Many of the detainees have filed petitions, but only a few have been heard. And most have not yet had a hearing on their habeas petition.

Senator LEAHY and I have asked for a sequential referral to the Judiciary Committee from the Armed Services Committee because our Judiciary Committee has jurisdiction over habeas corpus and other provisions of the legislation which I have cited.

If you take a look at the pending legislation, it is obvious that the enemy combatants who are detained have virtually no rights, very few procedures applicable to them compared to those who may be charged with serious war crimes. And it would, indeed, be anomalous to have greater procedural protection for someone charged with a war crime, where the evidence is present to justify that charge, contrasted with a detainee, where, as the practice has evolved, there is very little information, let alone the absence of evidence, very little data, to warrant detention.

The pending legislation endorses as the exclusive review mechanism that the hearings will be held under the so-called Combat Status Review Tribunals. And this is a comparison of what the Combat Status Review Tribunals, called CSRTs, will do in comparison to the military commissions.

In the CSRTs, no evidence is presented by the Government. The proceedings are governed by what is called a proffer in criminal courts. The charges are read to the detainees, and they are asked to respond. By contrast, in the military commissions that are parts of both bills, the Government must introduce evidence which support the charges.

In the CSRTs, the detainees have no lawyers. Most speak no English and communicate through interpreters. In the military commissions, the accused detainees have the right to be represented by lawyers.

In the CSRTs, the detainees have no ability to cross-examine the witnesses against them or to see any physical evidence because none is introduced. In contrast, in the military commissions, the detainees' lawyers will be allowed to cross-examine the Government's witnesses and see the Government's physical evidence, although there may be some limitation as to classified information on a controversy yet to be worked out.

In the CSRTs, the detainees have no ability to call their own witnesses to produce evidence. In the military commissions, those rights will be fully protected through the commissions' subpoena power.

In the CSRTs, the tribunals are permitted to consider classified evidence, including, apparently, for all we know—although we are not really certain as to what happened in each individual case—there may be information obtained by torture or by means which produced flagrantly coerced confessions. That will not be the case in the military commissions.

The bills provide that the rulings of the past CSRTs are final and conclusive, with the only appeal allowed being to the District of Columbia Court of Appeals—and such an appeal would be limited as to whether the CSRTs followed their own procedures. In contrast, a full judicial-like appellate procedure is provided for appeals from military commissions.

So from this analysis, it is obvious that the worst of the detainees will be accorded far greater rights—those charged with war crimes—than all the other detainees, many of whom, according to summaries of proceedings, took no action against the United States or its allies.

This habeas corpus legislation, if enacted, will not end the court battle over detention at Guantanamo Bay. If either of these bills becomes law, there will be years of litigation as to whether the U.S. Constitution is violated. If the proposed changes to habeas corpus in these bills are rejected by the courts, we will be back for more legislative fixes and more judicial proceedings.

As I have noted, the request has been made for referral to the Judiciary Committee. There are some difficult procedural steps to get that sequential referral. I am, frankly, not optimistic it will occur. The scheduling of the floor action on these bills is uncertain at this time, depending on whether an agreement is worked out.

It is my hope we will reach an agreement on the issue of how the Geneva Conventions will apply and whether there ought to be any modifications of it. I believe the committee bill, endorsed by Senator WARNER, Senator

MCCAIN, and Senator LINDSEY GRAHAM, is correct, that we ought not to water down the provisions of Common Article 3 of the Geneva Conventions, that we ought not to modify that or have the appearance of modifying it. It is my legal judgment that what General Hayden is looking for can be accommodated within the existing recognition by the United States.

The Geneva Convention on torture was adopted in 1988 and has language which is very similar on indignities or mistreatment. And the Congress filed a reservation as to that 1988 Convention, saying that it would be defined in terms of the provisions of amendments V, VIII, and XIV to the U.S. Constitution.

My understanding is that is pretty much what General Hayden is looking for, so that it may be possible to establish the existing position of the U.S. Government on that reservation, which would be consistent with full recognition of Common Article 3, as a stand already taken by the United States, so that we would not be limiting Common Article 3 to something new or we would not be appearing to limit Common Article 3 to something new.

With respect to classified information, again, I agree with what Senators WARNER, MCCAIN, and GRAHAM have articulated, that it is not appropriate to deny classified evidence to an individual where the death penalty might follow or other serious penalties might be imposed. It is insufficient to give that information to a lawyer. And even if it were given to the lawyer, there is a problem as to whether it might be transmitted, and sources and methods might be revealed to those who could harm the United States.

As to coerced confessions, again, I agree with the Warner-McCain-Graham approach, that coerced confessions should not be admitted.

They are unfair and unreliable. When it comes to the issue of habeas corpus, I think both the administration's bill and the bill passed out of committee, with the endorsement of Senators WARNER, MCCAIN, and GRAHAM eliminating habeas corpus is inappropriate. Depending on when the bill comes to the floor, there may be an opportunity for the Judiciary Committee to hold a hearing and to have an analysis of the constitutional limitation on suspending habeas corpus and the public policy interests that are involved.

I, Senators LEAHY, LEVIN, and others will be circulating a ''Dear Colleague'' letter advising that we intend to offer an amendment if these bills come to the floor with the denial of habeas corpus in them.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SPECTER. Yes.

Mr. DURBIN. First, I thank my colleague for coming to the floor. I heard him open his remarks while I was in my office, and I salute him. I don't think many colleagues are aware of the seriousness of the habeas corpus provision that is in the detainee bill coming out of the Armed Services Committee. I ask my colleague—and I only caught part of his remarks—are you going to ask that this bill be referred to our Senate Judiciary Committee for hearings on this question of habeas corpus?

Mr. SPECTER. Mr. President, in response to the question of the Senator from Illinois, Senator LEAHY and I have signed a letter to the majority leader, Senator FRIST, and the Democratic leader, Senator REID, asking for sequential referral.

Mr. DURBIN. One further question. I ask of the Senator from Pennsylvania, we understand the Armed Services Committee's jurisdiction on treatment of detainees, military commissions, and the like. If I am not mistaken, I ask the Senator from Pennsylvania, when we discuss a fundamental constitutional question, it seems to me that is an appropriate area for the Judiciary Committee to consider the merits of the question. I think I know the answer from what I have already heard in the Senator's previous statements. I hope I can join the Senators in making this request.

Mr. SPECTER. The Senator is correct. The Judiciary Committee has jurisdiction over the constitutional issue. In fact, as to the pending legislation, the Judiciary Committee has jurisdiction over Common Article 3, and the committee also has jurisdiction over changes to the war crimes.

We have submitted to the Armed Services Committee a sequence of war crimes which have been included in the bill. Regrettably, we didn't have enough time for committee action. Although, as the Senator from Illinois may recollect, I advised the committee of what we were doing and circulated early drafts so people could be in a position to comment. I think it is important that Congress move ahead to comply with Hamdan. Also, we ought to do it right. It requires some analysis. We can do it in a relatively short timeframe. Provided we focus on it and have hearings, it is going to require Senators to become acquainted with what is going on.

The fact is, Congress has been derelict in its duty in providing rules for military commissions, and it is our responsibility under article I, section 8. The Senator from Illinois and I filed legislation shortly after 9/11, 2001, to accomplish that, as did other Senators. The Congress did not act because this issue has been too hot to handle, too complicated, too dicey. It is not to the credit of the Congress, which sat back and did nothing.

Finally, in June of 2004, the Supreme Court came down with three opinions. We punted to the courts, as we do repeatedly. Thank God for the courts. Thank God for life tenure and the independence of the courts in this country, which come in to act when there has been inertia and inaction by the Congress, or inappropriate contact by the executive branch historically, and not just with this administration.

When the Hamdan case came down, the Court ordered the Congress to comply with our duty to legislate. All of this comes about because of habeas corpus. I don't believe the Congress has the authority to take away habeas corpus jurisdiction, especially in light of the specific provisions of habeas corpus, but also generally. When we considered, in a rush, the legislation last year that was passed, I was the sole voice on this side of the aisle objecting to it. It was passed with substantial support on the other side of the aisle because it was thought that at least it would not be applied to pending cases. Then there was a surprise when Justice Scalia said these colloquies were inserted by staff after the fact and there was no matter of congressional intent. He would have disregarded it. The majority opinion did not deal with the issue but just took the jurisdiction and moved ahead to decide the case.

This is not an issue which I came to recently. This is an issue that has concerned me for more than two decades. When Chief Justice Rehnquist was up for confirmation, I raised the issue in the confirmation proceedings with him as to whether the Congress had the authority to take away the jurisdiction of the Court on first amendment issues. Chief Justice Rehnquist refused to answer. Overnight we produced an article that he had written criticizing the Congress in the Whitacre proceedings for not asking about due process or equal protection, talking only about matters of lesser concern, such as Whitacre being from Kansas City and it was an honor to both Kansas and Missouri because he lived in one State and worked in the other.

Chief Justice Rehnquist, when confronted with the article, answered the question. He said Congress could not take away the jurisdiction of the Court on first amendment issues. Then I asked him about the fourth amendment, search and seizure. He declined to answer. I asked about the fifth amendment, privilege against self incrimination. He declined to answer. On the eighth amendment, crucial and unusual punishment, he declined to answer. It was a significant statement that Chief Justice Rehnquist made. As to the first amendment, the Congress could not take away the jurisdiction of the Supreme Court or the Federal courts.

There is a much stronger case that you could take jurisdiction on the first amendment rather than on habeas corpus because the Constitution says habeas corpus is suspended only when there is a case of invasion or rebellion. You don't have either. We better be careful what we do on constitutional rights. We better be careful. We were concerned in the PATRIOT Act to make sure we didn't go too far, that we could pass an act to give law enforcement protection and protect the constitutional rights, and we are struggling with the electronic surveillance issue, where we are trying to accommodate the interests of some Republicans

and many Democrats to give appropriate protection to civil rights. I think this Congress has sufficient wisdom and experience to protect America from terrorists and still respect constitutional rights.

That was a long answer to a short question, I might say to the Senator from Illinois. I appreciate his coming to lend some emphasis. There are more people who tune up their television sets, watching this lonely discussion, when there is a little colloquy and dialogue as opposed to the monotonous tones of the speaker alone.

Mr. DURBIN. I thank the Senator. If I might, I say to the Senator, I recently joined Senator ALLEN of Virginia on a trip to Guantanamo. We were met by the admiral in charge of the facility. He made it very clear in one of his opening remarks that Guantanamo is not there for punishment, but it is there for detention. He said punishment, of course, would be meted out to those found guilty of crime and wrongdoing. But the people being held there are being detained until we can determine their status. If they are, in fact, guilty of terrorism or war crimes, I think the Senator from Pennsylvania and I would quickly agree that they should be held responsible for those activities and punished to the full extent of the law. But, in most cases, for the hundreds of people in detention there, no charges have ever been leveled against them.

The writ of habeas, which basically is asking the Government to give cause why they are detaining a person, is the way to determine whether this person is being held justly and fairly. I think to eliminate that right, which is fundamental in our western civilization, raises a question as to the outcome for the lives of hundreds of people still in Guantanamo in this uncertain situation where they are not charged with any crime at all: not charged with terrorism, not charged with a war crime, but being held in indefinite status, many of them, for many years.

So I thank the Senator from Pennsylvania for raising this important issue. It is one that needs to be debated on this floor on a bipartisan basis.

Mr. SPECTER. Mr. President, one concluding statement. A group of attorneys who came to see me on this issue have been representing detainees. They produced summaries of proceedings before this body. It is shocking as to how little information there is in these proceedings under the CSRTs. I am trying to find out now if the information I have is not classified and present it in detail to Senators and to Members of the House so you can see how little information there is and how explanations are made and how people are detained without any basis, and on what appears to be a situation where there is no danger.

To the credit of the officials in Guantanamo, many have been released. But that is not sufficient. The detention of an individual under our laws is to be made by a court. When challenged, that requires a habeas corpus proceeding.

Mr. President, I thank the Chair and my colleague from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague again for coming to the floor and raising this issue. For most people, it is a very complicated constitutional issue. I think it can be reduced to very understandable principles and values that we share as Americans. When you think back to the earliest founding of the United States, we valued so much our personal freedom, our personal liberty, and our rights as individuals, and we created within our Constitution a means to ask a basic question. By the filing of a writ of habeas corpus, we ask this question, by what right does the Government hold this person? Habeas—holding; corpus—body. One of the few words that I remember from the Latin I took many years ago. By what right does the Government hold this body, this person?

That has been a writ, as they call it, a law that has been recognized and respected for generations. It is part of our American body of law. We don't want a circumstance where the Government is wholesale arresting individuals and detaining them without charging them. There was a time, of course, during our Civil War when President Abraham Lincoln suspended the writ of habeas corpus; arrested, detained, and jailed many people without charging them. It was then an extremely controversial decision. In fact, if you read the history of the time, there were even people in the President's own political party who thought he had gone too far. President Lincoln argued that he had to do it in the midst of a civil war.

We look back on it now and wonder if perhaps this was excessive conduct in the name of security. We ask the same questions today. Are we doing things in America today that are going too far, things that infringe on our basic values and how we define ourselves as Americans in this diverse world? Are we doing things which, on reflection, history will not judge in a positive way? I think, unfortunately, the answer is, yes.

The issue of torture is one such issue. We, for decades and generations, had held to the standards of the Geneva Conventions. We basically said that civilized countries in the world act differently than those that are not civilized. Civilized countries, even in time of war, will not engage in torture, cruel, inhumane, or degrading treatment of prisoners. That has been a standard which we have lived by for more than a century in the United States, a standard we have proudly proclaimed as our own, and a standard by which we have judged other nations which we believe have crossed that line.

After 9/11, there were serious questions raised by this administration as to whether we could continue to live under the principles, the standards of the Geneva Conventions. For a period of time, there were memos that circulated at the highest levels of our Government which tried to redefine torture and redefine treatment of prisoners. Those memos, sadly, were distributed. It appears that in some isolated cases, they were followed. It also appears that they were discredited and have been rejected after they had been used as a basis for American treatment of prisoners. We know that now. The facts have come out. Some of the people who were engaged in the preparation of those memos are at the highest levels of our Government today.

Those memos, so-called torture memos, suggested things such as one very noteworthy example: the use of guard dogs, turning dogs loose on prisoners to frighten them into submission or cooperation. That was a departure from what the United States had ever done in the past. That was part of a memo which was prepared at the highest levels of the White House and Department of Defense, a memo which has been acknowledged by the Administration, but which is now being repudiated by them. They are saying it is no longer being followed.

One of the architects of one of those memos is a man named William Haynes. Mr. Haynes recommended things we could do to prisoners to try to get more information. That was distributed, and not long thereafter, we had the Abu Ghraib prison scandal. One of the photographic images we can all recall is the picture of a guard holding a dog on a leash threatening a prisoner. That guard, an American soldier, was charged with violation of the law and has been imprisoned for that conduct.

The irony is that Mr. Haynes, one of the authors of this memo which suggested the use of these dogs, not only was never charged with a crime and was never imprisoned as this soldier was, who was working at the Abu Ghraib prison, but this individual is now being proposed for a Federal judgeship, a lifetime appointment to the second highest court in the land. So, at one level, we are sending soldiers, privates, corporals, and sergeants to prison, and at the highest levels where these memos were being written, we are rewarding the conduct of those who wrote them and suggesting they deserve a lifetime appointment to the Federal judiciary. I believe that is inconsistent and unfair, and if we are going to have a standard and a rule of law, it has to apply at the highest levels as well as to our soldiers. In this case, it did not.

Now we have before us the question raised by the Senator from Pennsylvania which we may face in the next few days. The question is this: Of the hundreds of people who are now being held in Guantanamo without any specific charges, what will happen to

them? Will we ever have to charge them with wrongdoing? At this point in time, few, if any, of them have been charged. Over 100 have been released, incidentally, after being incarcerated there for long periods of time. The writ of habeas corpus is the means by which that detainee in Guantanamo and in other settings raises the question: By what right do you hold me in this prison? What crime do you charge me with? What is my wrongdoing? That is the writ of habeas corpus. The bill that is proposed from the Armed Services Committee would eliminate the right of habeas corpus for those who are currently being detained.

I raise this because I have visited this Guantanamo facility, and was told that we are not punishing anyone there because we don't know that they have committed a crime, they haven't been convicted of a crime, and we are only detaining them. But, by eliminating the writ of habeas corpus, we are eliminating that prisoner's right to step up and explain what happened, to tell their side of the story. There is no guarantee we will believe their side of the story. There is no guarantee they will be released. But our basic constitutional principles, the principles we have followed, have given individuals that right to question the Government.

Earlier today, I was visited by three attorneys from the city of Chicago, which I am honored to represent. Thomas Sullivan is a former U.S. attorney, Jeffrey Colman is active in the practice of law in that town, and Gary Isaac is another lawyer. They came to me because they have been involved in representing the detainees at Guantanamo.

Mr. Sullivan, a former U.S. attorney, a former prosecutor, well respected not only in Chicago but around the United States, has raised questions about the treatment of these Guantanamo prisoners. He left with me a description of one of his clients in Guantanamo, a client he represented pro bono, for nothing. The client's name is Mr. Abdul Hadi Al-Siba'i, who was taken into custody in Pakistan in December of 2001. Mr. Sullivan became his lawyer in 2005. After speaking with him and his family through interpreters and visiting him at Guantanamo, he learned the story.

It turns out Mr. Al-Siba'i had been employed for 20 years as an officer in the police department in Riyadh, Saudi Arabia. He took a two months leave of absence in August 2001 to go to Afghanistan to build schools and a mosque. He was captured, first by forces in Afghanistan and then turned over to the United States. He presented his airline tickets to show the journey he had made from Saudi Arabia to Afghanistan. The passport showed where he had been. The tickets showed the dates he was required to return, and he requested that the people who were detaining him in the United States verify the information. If they had a question, call the Riyadh, Saudi Arabia, police department and they would explain who he was, what his background was, and why he was given this two months leave of absence to go into Pakistan.

He was denied that request. The person presiding over his tribunal said:

I denied that request because an employer has no knowledge of what their employees do when they are on leave.

I can't quarrel with that statement, but any good lawyer would tell you that you try to sift through the evidence and testimony to come out with what you consider to be the truth, and that would mean at least taking the time to ask the question: Was this man a police officer in Saudi Arabia? Did he notify them he was taking a two months leave to work among the poor in Afghanistan? Those are simple questions which one would expect to be asked. They weren't.

Mr. Al-Siba'i explained what occurred when he arrived in Pakistan, was taken into custody by the Pakistani Army, and turned over to the U.S. forces. He said he joined the army in Saudi Arabia when he was 17, got married at 18, and has had a wife and stable job for almost 20 years. He talked about his trip to Sudan during a time of floods when he worked with poor people. He explained what he tried to do—charitable work for those he thought were in need. He went through the long description of the time he spent traveling. He was very open in the course of this tribunal, but at the end of the day, they said: The information is not good enough; you are going to be detained as a prisoner in Guantanamo. That was in 2001.

In 2006, 5 years later, without ever facing a formal charge of any wrongdoing, without any clear investigation into the circumstances he described, he was released from Guantanamo and returned to Saudi Arabia without any explanation whatsoever.

I suggest to those who are following the comments being made on the floor that if an American employee, an American citizen, or an American soldier was held under similar circumstances, we would have a right to be upset. It is one thing for us to acknowledge wrongdoing by an American—it can happen—but it is another thing to expect simple justice. And simple justice requires that someone be charged with a crime.

Just a few hours ago, I was in my office and met with a reporter for the Chicago Tribune named Paul Salopek. Just a few weeks ago, Paul Salopek was in Africa doing a story for National Geographic. He wandered across the border from Chad to Sudan and was arrested and charged with espionage. He was writing a story for the National Geographic about local African tribes. The charge, of course, was not well-founded. Many people came to his assistance, not the least of which was Gov. Bill Richardson of New Mexico, who traveled to Sudan and persuaded the President to release him. But here was an American citizen, and many of us were concerned about his safety and future when we knew that the charges against him were preposterous and they didn't make sense.

Imagine an American citizen being held, as this Saudi was, for 5 years without a charge. The reason he was finally released was that a writ of habeas corpus was filed to ask whether a charge was going to be leveled.

So now we have this debate going on in the Armed Services Committee. I salute my colleagues, Senator WARNER, who was on the floor a few moments ago, as well as Senator MCCAIN, Senator GRAHAM, Senator COLLINS, and many others who have said they agree with the approach that has come out of the Armed Services Committee. It establishes a standard for military commissions so that the 14 or so individuals who are going to be tried will be tried under standards that are consistent with American values and American justice. That speaks well of our Nation. To do otherwise would raise the same questions raised by General Colin Powell just a week ago. It would raise a question about our moral standing in this world if we don't live by the same standards we preach day in and day out. I think it is a good thing and consistent to have those judicial standards and principles of justice in these military tribunals.

But the same bill coming out of the Armed Services Committee removes the writ of habeas corpus for all of these other detainees, the hundreds who are being held. So while this bill would hold people charged with crimes to a higher standard of treatment consistent with American law, the bill would completely eliminate the most fundamental principle of law—the writ of habeas corpus—when it comes to these other detainees who may never be charged. That is inconsistent, and it is wrong.

We should trust our system of government despite our fear of terror, despite our experience on 9/11. We shouldn't lose our way and abandon the most basic principles and values which guide our country. Those constitutional principles have weathered many storms, including a civil war which claimed more lives than any war in the history of the United States. Even now in this age of terror, even now living in a dangerous world, let's not abandon these most fundamental principles.

I thank the Senator from Pennsylvania for his earlier comments. I hope we have a chance to debate this issue at length on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor this afternoon to speak about the issue which is before us at the moment; that is, H.R. 6061. We voted on a motion to proceed to debate today and invoked cloture on that motion by getting a substantial number of votes. Now we are in the next phase of the

rule process in which we would actually move to the bill, debate it, and possibly amend it.

I voted this morning to move this bill forward because I believe it is important for the American people to understand that we are very serious about border control. If this bill serves that purpose, then that is a step in the right direction.

It is not my intent to come here and say it is a bad bill. It is my intent to come to the Senate floor and talk about what we have done to date in the area of border security and that a piece of paper, a piece of legislation, does not a safe border make. It establishes the legal basis for which we build upon a foundation for safe border and border action, but it is the financing of it, it is the funding of the necessary construction, the supplying and the training of Border Patrol men and women, and creating the devices and vehicles necessary to effectively monitor and control our borders that build a safe border.

Step 1 is a very critical process this Senate, and the Congress itself, has been involved in for some time; that is, the recognition of a broken immigration system and an unsecured border structure in our country that has allowed, over two decades, possibly 8 to 10 million foreign nationals to come into this country illegally.

America didn't awaken to this issue until after 9/11. It awakened because it found that some who had come, legally and illegally, were intent on delivering the citizens of this country an evil act, and that happened. Not only did it kill nearly 3,000 of our fellow country men and women, but it launched this country into a new dimension of foreign policy that we had not been involved in or as intent on as we should have been a long while ago—a war against radical Islamic fundamentalism and the tools they use in that war known as terrorism.

That is where we are today. It has swept our country. It is the political debate of the day. It is the frustration of the American citizen to try to understand why we are where we are today and what we are doing and why young men and women bearing the uniform of the United States of America are dying in a foreign land or foreign lands. All of this issue is really one. It is a combination of understanding the world we live in, and that is a world that is not as safe as we would like it to be, and there are very real enemies out there. But it is also understanding a new world that we live in right here on the North American Continent and one that we have ignored for years; that is, creating secure borders and defining and designing a well-run immigration program that responds to our needs and our economy and, at the same time, is fair and responsible to those foreign nationals who would like to come to our country to work.

I began to work on this issue not just a year ago, not just 2 years ago, but in 1999. I first looked at it through the eyes of American agriculture when they came to me and said: Senator, we have a problem. We have a very big problem. The H–2A program that supplies foreign national workers to agriculture doesn't work. It is broken. It is bureaucratic. It is nonfunctional and doesn't meet our seasonal needs. As a result, that Federal H–2A guest worker program only supplies about 40,000 to 45,000 workers. But we need and have over 1 million in our workforce who are foreign nationals and, frankly, they are illegal, and we know they are. It ought to be fixed because we don't want to base our economy as American agricultural producers on an illegal process because someday it may do us damage.

So I began to work, along with several others, to try to build and propose changes within the immigration laws to create a legal guest worker program. We were doing that in 1999 and 2000. And in 2001, as we all know, America's roof literally fell in as we were attacked by the terrorist elements of radical Islamic fundamentalism.

America became angry and frustrated. We began to find out that our immigration process was broken. I knew about it. I was working on it at the time. What I kept saying to my colleagues in counseling them is, as we secure our borders, let's also redo our immigration laws to identify the illegals who are in our country—treat them justly and fairly but identify them—to see if some of them deserve to stay here and work, while at the same time making sure we have a system that in the future recognizes the need for immigrant labor in our economy and specific to agriculture.

We worked on that a long while.

This year the Senate passed a comprehensive immigration bill. Parts of it I agreed with and parts I disagreed with. I voted for it to move the process along because I thought it was critically necessary because I didn't want to get the cart in front of the horse. I wanted the horse in front of the cart, and the horse in front of the cart is border security as a first line of defense in monitoring and controlling illegals in our country. The second line is a legal process which makes sure that those who are here are legal, and those who want to come to work in our economy are legal. And if you don't do them both in tandem, I think you create phenomenal problems for our country and our economy.

While we have been doing all of this, some would say we have done nothing on the border. That is why we need to pass H.R. 6061. If they are saying that, they are not looking at the facts, and they don't recognize what has happened.

Let me read some of the facts of what we are doing. We have increased funding by $7.97 billion—billion—for border, port, and maritime security. We spent $34 billion on the border and port and maritime security to date. We have added 3,736 new Border Patrol agents, out of a total of 14,000, whom we are training and supplying over the next 5 years. And it was the Craig-Byrd amendment of 2 years ago, at the time of appropriations on the floor, when real dollars went into the program—$500 million a year—to train those border patrolmen that we are talking about right here at this moment.

So if you detain and arrest foreign nationals who are illegal in our country, what do you do with them? You have to hold them. We didn't have anyplace to keep them. We have now added 9,150 new detention beds out of a total of 27,000.

We are now building 370 miles of fences in the congested urban areas along our southwestern border with Mexico. We are doing it right now. The legislation before us simply talks about it. Concrete is being poured, wire is being strung, and double fencing is being created as we speak. Why? Because many of us thought it necessary 2 or 3 years ago to get started in this process that is critically important right now.

In the area of border tactical infrastructure and facility construction—and by that we are talking about surveillance equipment, electronics, sensing devices—$682 million is being spent. The numbers go on and on and on.

Why I am here talking about this is because we are today building a border system to secure and control our borders.

Just before the Easter recess, I was one of those privileged to be at the White House to talk to our President about our chairmanships. I am chairman of the Veterans' Affairs Committee. And that afternoon the President said to me: Well, Senator CRAIG, how are things in Veterans?

I said: Mr. President, I don't want to talk about veterans today. I want to talk to you about something that I think is critical and necessary that we do now.

He said: What is that?

I said: I think you need to declare a state of emergency on our southwest border, nationalize the Guard, assemble our National Guard on the border and close it.

He looked at me with a bit of surprise. He said: How can you propose that? You are the advocate of AgJOBS, Senator CRAIG. You are the guy out there promoting reform in immigration right now.

I said very simply and very clearly: Mr. President, we have to build credibility with the American people that we have lost because our borders are not secure and we have not controlled them.

Now, all of us and all who may be listening know the rest of that story. There are now 6,000 Guard men and women deployed to our southwest border, and that allows us to more effectively utilize the Border Patrol along our border and to spread our Guard out into the broad expanses of a 2,000-mile border which are maybe less dangerous

than the congested areas where the greatest numbers come across. Our Guard men and women are not policemen. Our border patrolmen are. They are trained. They are officers of the law so they can detain and arrest. But at the same time, the combination of using our border patrolmen, our National Guard men and women, and our Border Patrol is the right combination.

The reason I talk about this and set this idea in front of my colleagues is to express what is really going on out there; that is, this country is investing heavily on the southwestern border as we speak. We are spending billions of dollars. Fences are being built, and there are literally thousands of our men and women on that border securing it.

Is it working? Yes, it is working. Is our border closed? No, it is not. It is a 2,000-mile border across arid, desolate, and oftentimes extremely rugged terrain, and we will have to continue to invest to do that.

Let me tell my colleagues and show my colleagues the proof of what I am saying. The border is closing. My colleagues will remember that cart-and-horse analogy I used a few moments ago, where if we didn't close the border and get a comprehensive legal process to bring migrant workers into our country for the sake of agriculture and other industries, we could do real damage to our economy. So the border is closing, but we haven't passed a comprehensive reform bill. In fact, the politics would suggest we can't get there right now. And most assuredly, the U.S. House of Representatives, in my opinion, did the wrong thing this summer. They went out and condemned the work product of the Senate when they should have been at a conference table trying to work out our differences. They should have been trying to solve the very real problem that is now embodied in all of these press releases which are pouring in from across the country that speak of the crisis in American agriculture. It is a crisis born out of the reality of what I have just talked about: that a border that should be closed and secured is, in fact, closing and being secured.

Let me start with Idaho: ''Potato Growers Struggle Without Immigrant Labor.'' The potato harvest is now just starting in the State of Idaho. The packing sheds will soon be full as that marvelous Idaho baking potato begins to sell in the world market. There aren't enough people available this year to help harvest those potatoes, and many of those people who are not available are migrant workers. The reason they are not there is because they can't get there. The legal system can't function quickly enough to get them there, and those who were coming illegally aren't coming because the border is closing.

Another press release: ''Potato Growers Face Labor Shortage.'' That is just in Idaho where tragically enough, and in a real sense, we probably have 30,000 or 40,000 illegal foreign nationals working in agriculture and other work areas every year, and our unemployment rate is 2.5 percent, which means we are at full employment. But we need that kind of labor, and it is not coming.

Now let me continue—but only for a moment because other colleagues are here on the Senate floor to talk about this issue—down through these press releases. My colleague from California is on the Senate floor. She represents the largest, wealthiest agricultural region in our Nation known as the great San Joaquin Valley. There is no other agriculture like it in the world. If you haven't been there and visited, it is simply worth your time. Every fresh fruit and vegetable known to any consumer in this country is grown in the great San Joaquin Valley. I have always marveled at that agriculture. It is also true the Senator from California and the San Joaquin Valley probably host more illegal workers than any other area in our country. What is happening there today is that crops are rotting in the fields. Fruit is not being picked. Vegetables are not being harvested. That kind of agriculture that is intensively hand labor agriculture is suffering. I am told by some we could literally lose the raisin industry of our country, and that would be a tragedy if the politics of the Congress will not allow us to get to a legal system to allow that type of workforce to exist in our country today.

I could walk my colleagues through hundreds of press releases and the stories now being told by American agriculture of nobody there to help them pick their crops, to supply the marvelous vegetable stands of the produce sections of America's retail food industry with the abundance that we have all known. We saw it start in February in Yuma, AZ, in the great Imperial Valley where billions of dollars' worth of vegetables are picked in February and March to supply us—lettuce and celery and all of those kinds of things that we are used to. A third of it didn't get picked this year. That is a crop that is worth $3.2 billion at the farm gate, and a third of it rotted in the fields because we in Congress couldn't get our act together. That is a tragedy and it is a shame.

It is believed between now and the end of harvest, or between now and next year, American agriculture could literally lose billions of dollars' worth of fresh produce that would go to the supermarket shelves of our country for all of us to eat, all of us. And if it isn't there and there is a limited amount, you know what happens. The price starts heading up.

Those producers of those products tell me they have advertised in their communities, they have pled with people to come out and work. They said they would increase their salaries substantially. But nobody is there to do the work. Americans do not do stoop labor anymore. It is a reality that we ought to face. Yet we have not been willing to face it.

Yes, we need a fence and we are building it. Yes, we need border security and we are accomplishing it, and we have not finished. Clearly, for the safety and security of this country our borders are more important than nearly anything else. But if you cannot feed your country, if you are going to lose your agriculture, if you are going to cause bankruptcies that are no fault of the farmers themselves, then you are doing some very real damage—along with your unwillingness to recognize the reality of a law that no longer works and a work product we are trying to accomplish at this moment.

We will probably have to go through an election. We will probably have to get the politics of the election out of the way before the House and Senate will come to the reality of the problem that is clearly before us today because we are just a week and a half from adjournment or recess until after the election.

The kind of comprehensive work that we should have been doing in August and we should have been doing in September turned into politics and not constructive work. I hope the House bill in front of us is not an extension of those politics and politics alone. I hope it really is meant to fit into a total package of border control and comprehensive immigration reform that allows this country and our economy and our hard-working agricultural people a legal, transparent, and open guest worker immigrant labor force. We need it. We have always needed it. We should not be denying its reality today.

The Senate attempted to accomplish that. We argued mightily on immigration reform on the floor of the Senate for nearly a month, and we do not all agree because it is in itself a very contentious issue. It has all aspects of the American culture and the American emotion tied into it. But as we studied it I think a majority recognized the reality of doing the right thing. The horse and the cart have to be connected. Border control and border security is the first line of defense, and a legal structure behind it that gives employers a legal, identifiable workforce is necessary and appropriate, and they have to be connected.

Let me close with this thought: We do not reform immigration laws in this country, we let them go. Politically we will not handle them. But we will continue to tighten a fence until our 2,000-mile land border is complete and the border closes. There will be a new phenomenon emerge in the port of Los Angeles along the coast of California, and they will be called ''boat people.'' Because those who want to come here to work, once we have created the fence across the land surface that they now trek, will find another way to get here. Somebody in a fast speedboat will charge $1,000 a head and they will pick them up in Mexico and shoot them around the water and across the waters and into the coastline.

My point is simply this. You have to have two things that work here to

make it work. You have to have border security and you have to have a law, a law that works, so when that employer hires a foreign national, the ID card is real and they know they are hiring a legal person. I am not going to put American agriculture or any other law-abiding employer at risk when they need people to get the harvest out unless we do so in a way that says we will sanction you if you hire somebody who is illegal, but we are going to make sure that you have a workforce that is legal and has the kind of transparency of ID and uncounterfeitable documents that are critical and that are in the Senate bill.

Those are some of the issues we need to talk about and we are going to ignore now until after the election. Here are the press releases. Billions of dollars will be lost in American agriculture this year and American consumers will pay an increased price for the quality produce they buy on the fresh fruit shelves of our country. It is a reality. It is happening as we speak.

I thought it was important that I come to the floor to talk about it. Most want to simply ignore it because the politics of the issue is simply too difficult to deal with. It is not too difficult to deal with. We can do both as a great nation. We can secure our borders. We can improve our immigration laws. We can provide a legal and necessary guest worker/migrant worker program for the segments of our economy that speak to that type of workforce. It is our responsibility. I hope we do not shirk it or turn our back on it.

American agriculture, along with a lot of other segments of our economy, will suffer if, in fact, we do not have the political will to accomplish the right and responsible issue and things at hand.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to congratulate the distinguished Senator from Idaho on his comments. I subscribe to them 100 percent. I congratulate him and thank him for the leadership he has provided on the AgJOBS program. I don't think there is anyone in the U.S. Senate who knows more about what the needs in agriculture are across this great land than Senator LARRY CRAIG. He has been consistent and he has been devoted. I think his expressions here today are really the expressions of virtually everyone in the Senate who knows what is happening in their own State with respect to agriculture today.

I also rise joining you, Mr. President, as a member of the Judiciary Committee, and the one who moved the AgJOBS program on to the immigration bill that is part of the Senate bill. I come here with a plea and that plea is, if there is going to be a border security bill before the full U.S. Senate, add the AgJOBS bill to it, because it is a crisis and it is an emergency and there is a practical need to do so.

It just so happens that there are two amendments at the desk that would do this. There is a Republican amendment on AgJOBS sponsored by the Senator from Idaho, and there is a Democratic amendment on AgJOBS sponsored by the Senator from California. They are one and the same. They could be easily added by either one of us and either one of us is willing to cosponsor the amendment of the other. The reason is because it is in fact an emergency.

This is harvest season out in all the great States. I was once told—Senator CRAIG, you know him well—by Manuel Cunha, of the Nisei Farmers League, just for raisins alone in my State, it is 4 counties and it takes 40,000 workers to harvest those raisins.

The Senator mentioned that California is so large in agriculture. I want the President to know that it is a $31.8 billion industry. That is in 2004. It is an enormous industry. We have 76,500 farms in California. I am asking every one of those farm owners to weigh in at this time. Let the Senate know that there is now an opportunity to see that you have a certain, stable workforce. Weigh in with the Senate and say: Put AgJOBS on the border security bill.

We have 1 million people who usually work in agriculture. I must tell you they are dominantly undocumented. Senator CRAIG pointed out the reason they are undocumented is because American workers will not do the jobs.

When I started this I did not believe it, so we called all the welfare departments of the major agriculture counties in California and asked, Can you provide agricultural workers? Not one worker came from the people who were on welfare who were willing to do this kind of work. That is because it is difficult work. The Sun is hot. The back has to be strong. You have to be stooped over. It is extraordinarily difficult work.

For a State as big as mine, there is an immigrant community which is professionally adept at this kind of work. They can pick, they can sort, they can prune, they can harvest—virtually better than anybody. This is what they do. This is what makes our agricultural community exist.

It is very hard for a farmer to hire a documented worker. It is very hard to find that documented worker. So if they are going to produce, they have to find the labor somewhere.

My State produces one-half of the Nation's fruits, vegetables and nuts. One-half comes from California. We produce 350 different crops. We have an opportunity now, with this bill, to get adequate labor for this harvest season on this border security bill.

We know the votes are here in the Senate. We know the votes are in the House of Representatives. We know the President would sign the bill. Why not do it? Why not do it? Both Senator CRAIG and I want to plead with the leadership of the Senate, allow us to put this amendment up before the Senate. We can limit our debate. We know the votes are there. Let me ask the Senator, when this matter came before the full Senate; that is, before the immigration bill, how many votes did you have for the AgJOBS program?

Mr. CRAIG. I believe when there was a clear and clean vote on AgJOBS alone there were 53 who voted for it that day and there were 4 absent who would have voted for it. I believe there are between 58 and 60 votes for the AgJOBS provision and bill the Senator speaks to.

Mrs. FEINSTEIN. I actually believe, if I might respond, that there are 60 votes because of the amendments that we made in Judiciary—which certainly brought me along, and I wasn't there before.

Mr. CRAIG. That is correct.

Mrs. FEINSTEIN. And I think it brought others along as well.

Mr. CRAIG. If the Senator will yield, she makes a tremendously important point. The original AgJOBS bill that brought the vote I just spoke to is not the bill before us now. The amendments that the Senator has brought and the amendment that I brought—because the Judiciary Committee itself changed some of it at the Senator's guidance and direction, and on the floor we added additional amendments—added the safeguards and protections and fines and the requirement of paying back taxes, to cause that illegal, who might become legal through this process, certain responsibilities that were not in the original bill.

Mrs. FEINSTEIN. That is correct.

If I may, through the Chair, I would like to ask the Senator one question. He mentioned the H–2A Program which in my State has not been a widely used program. This is a reform, also, of the H–2A Program, to make it more broadly applicable across the line. Is that not correct?

Mr. CRAIG. The Senator is absolutely correct. It identifies and deals with those agricultural workers who have been here for 3 years or more, who are undocumented, who could become legal. That is step one. Then it deals with a reform, streamlining of and a more usable H–2A Program, to implement an effective guest worker program.

The point the Senator is making I think is very important for the Senate to understand. If we were to pass AgJOBS tomorrow, if it were to become law, many agricultural workers who were once in the field working but may have moved somewhere else in our economy with the opportunity to become legal would return to agriculture. It is not letting more across the border. It is causing those who have moved to construction and housing and other places to say, Gee, you mean I could become a legal worker if I went back to agriculture and stayed there for 150 workdays?

The answer is yes. There could be a near immediate relief brought by the passage of the AgJOBS provision.

Mrs. FEINSTEIN. The Senator is absolutely right. I think he has made an

excellent point. We know that many of the workers in agriculture who are undocumented have gone on to work, for example, in construction, in the service industry, in the restaurant industry, in the hotel industry, and so on and so forth. But they work in the shadows. They work with fear today.

The program that the Senator and I are speaking of is not just a pile of programs. This is a 5-year sunset program. But you would see how it would work. You would then have documentation of every individual that is legally working in that program.

In my State of California, growers are reporting that their harvesting crews are 10 to 20 percent of what they were previously due to two things: stepped up enforcement, a dwindling pool of workers, and the problem that ensues from both.

We have an opportunity to put AgJOBS on this bill, a modified AgJOBS, reforming the H–2A program, pilot AgJOBS for 5 years. I will explain very quickly how that works. I think it is important that people understand this.

The first step would require the undocumented agricultural workers apply for a ''blue card,'' if they can demonstrate that they have worked in American agriculture for at least 150 workdays over the prior of 2 years. The second step requires that a blue cardholder must work in American agriculture for an additional 5 years and work 100 days a year, or 3 years at 150 workdays a year; again, a blue card, biometric, would be documented. For the first time you would know who the worker is. The farmer would have certainty that he can hire that worker. If the worker meets this expected work requirement, they will then be eligible for a green card. Employment would be verified through the employer-issued itemized statement, pay stub, W–2 forms, employer letters, contracts, or agreements, employer-sponsored health care, timecards, or payment of taxes. The program is capped at 1½ million blue cards over 5 years. It will not have an annual cap.

I have explained it. My State alone has a million agricultural workers. How many does Idaho have? I ask he Senator through the Chair.

Mr. CRAIG. We are not quite sure. We believe it could be between 35,000 and 40,000.

Mrs. FEINSTEIN. I thank the Senator very much. That may be a much smaller amount.

But virtually every State represented in this Chamber can come forward with a like amount of people. Virtually every Member in this Chamber can come forward with problems they are having with harvesting at this particular point in time.

I am told there are problems harvesting citrus in Florida, apples in New Hampshire, strawberries in Washington, and cherries in Oregon. In Wyoming, it has been reported that the labor shortage played a central role in the eminent closure of the $8 million Wind River Mushroom Farm.

Let me quickly run through a couple of other things.

Perhaps the most impacted are the organic farms, which are highly labor-intensive. Hand-picked crops such as at Lakeside Organic Gardens, which happens to be in my State, are suffering as fields go untended and acres have been torn up because there is no one to harvest them. The situation is so bad that this particular farmer, Dick Peixoto, has been forced to tear out nearly 30 acres of vegetables and has about 100 acres that are compromised because there is no one to weed them. He estimates his loss so far this season to be $200,000. That is worse than anything he has seen in 31 years of farming.

Some fields in the Pajaro Valley in Santa Cruz County are being abandoned because farmers can't find enough workers. Farmers in that area say there are 10 to 20 percent fewer workers available to harvest strawberries, raspberries and vegetable crops. That is the great Pajaro Valley that produces artichokes and acres and acres of row crops. They say we have sustained strawberry and raspberry losses due to shortage of labor.

Strawberries lost are approximately 100,000 cartons for the fresh market, raspberries approximately 50,000 cartons. Due to the shortage of labor, we were unable to harvest 900,000 pounds of lemons and 128,000 pounds of grapefruit.

These are some examples of what is happening. You can pick up newspapers, the San Jose Mercury News, headline: ''Worker Shortage Crippling Farmers.'' It goes on and depicts it.

Morgan Hill: Farmers are reporting a shortage of labor to harvest crops forcing them to take huge losses. The impact is mixed, varying with the amount and type of crops a farmer is growing. Those growing more fragile crops such as strawberries and peppers have been scrambling to find enough workers to pick the harvest.

This goes on to say they cannot harvest their yields. Labor pains increasing for the great San Joaquin Valley that Senator CRAIG spoke about. Manuel Cunha said symptoms of labor shortages are showing up with fewer pickers in the Valley's orchard.

Between the tree fruit guys, the crew sizes are varying from a crew of 20 to 22, down to 9 to 15. What is happening now is we are starting to see a trend going toward table grapes. The Valley is starting to get into the table grape harvest in the Arvin area. The word I am hearing is that the table grapes may take workers from tree fruits because the free fruit workers are only working so many hours in the day because of the demand. Union-produced labor shortages became more pronounced in the coming weeks with the start of the raisin grape harvest.

It goes on like this in article after article.

The Farm Bureau Federation of my State: Headline: ''Labor Shortage Teeters on Critical Edge.''

As the border with Mexico tightens, and Congress continues to drag its feet on passing comprehensive immigration reform, farmers and labor experts say that the California farm labor pool is rapidly shrinking. A lag in reporting labor statistics makes it hard to pinpoint exactly how short the labor supply really is, but many growers put the gap again at about a 10 to 20 percent shortage Statewide.

This goes on and on, report after report.

There is rarely a time where issues come together and it is possible to move aggressively on something such as this. This is one of those times. AgJOBS has been debated on the floor of the Senate. It has been debated in the Judiciary Committee. It has been amended. It has come out of part of the immigration bill.

Senator CRAIG and I have worked to see that the amendment at the desk remedies all the problems that were brought up in the last floor discussion. It is ready to go. It can be added to this bill. It will pass in the House.

Why won't the leadership allow this amendment? It would be one thing if there was not a crisis out there. It is another thing if there is a crisis. And there is a crisis. Everyone in this body knows that. Everyone knows farmers are scrambling. Everyone knows farmers are losing their crops. Everyone knows there is produce on the ground that can't be harvested. Why don't we do something about it? And everyone knows that agricultural labor in the United States of America is virtually dependent on undocumented workers. This is a way to document them. This is a way to enhance security. This is the way to get the workforce for our farming communities that we need.

I went to ports, and I saw boxes and carton after carton of export products at the ports. We depend on exporting our fruit. You can't do it if you can't harvest it. What happens when the prices begin to rise in the markets? And they will. Lettuce that can't be harvested, tomatoes that can't be harvested, almonds, raisins, grapes. We had a chance to do something about it, and you have Senators standing here on the floor saying we could do something about it now, it will pass, it will be signed, it will go into law.

AgJOBS is the one part of the immigration bill about which there is uniform agreement. Everybody in both bodies knows that agriculture in America is supported by undocumented workers. As immigration tightens up, and they begin to pull people and deport them, as farmers have trouble finding them, as they hide in the shadows more, the result is our crops go unharvested.

We are faced today with a very practical dilemma and one that is so easy to solve. The legislation has been vetted and vetted and vetted. Senator CRAIG, I, and a multitude of other Senators have sat down with the growers, with the farm bureaus, with the chambers, with everybody who knows agriculture, and they have all signed off on the AgJOBS bill. Why don't we pass it? What kind of a plea will be heard? How

many farmers have to be ruined to prove a point that I don't understand, that I can't fathom, that I can't believe we turned down this opportunity to solve a real problem.

If you want a Republican amendment, it is at the desk. If you want a Democrat amendment, it is at the desk. They are both the same.

I am simply here to say, Mr. Leader, let this come to the floor. Mr. Leader, take the steps that can save American agriculture right now. Leader, pass this bill which has be vetted, which has been debated, which has been discussed in both Houses, several committees and on the floor of the U.S. Senate. Simply bring this amendment to the floor. Don't fill the tree and now allow this amendment.

I say once again, the 75,000 farmers in my State, if there ever was a time to weigh in, this is it. If there was ever a time for you to pick up that phone and call every Member of this body and anyone you can and say, Hey, I am a farmer, and I can't find labor to harvest my crop, this is a bill that can help me, and I want you to pass it now. In my State, 76,000 farms. If half would do it, if a quarter would do it, if a tenth would do it, we would get this bill passed. For farms in other States, this is your moment. Stand up, weigh in. We are, after all, a representative democracy. We represent people. We represent States. These people and these States have weighed in, in the press, and said: We are in trouble. We need help.

Now is the time. I say to the Republican leader of the Senate, do not turn your back on the farm community of America. This community needs undocumented labor to plant, to prune, to clear out weeds, and to harvest. That has been the case for years. Give it certitude. A pilot program; 5 years; 1.5 million blue cards over the 5 years; specific requirements; taxes paid; filing with the Government; fines paid. But people can work and harvest the crops. I say to the Members of this Senate, it would be a terrible tragedy if we turn our backs on the breadbaskets of America. We have an opportunity. It is so simple. Just enact this AgJOBS program now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am pleased to follow the distinguished Senator from California and the distinguished chairman from Idaho. They make a compelling case. I represent an agricultural State in the great State of Georgia. I understand the difficulties they have outlined. They have also given me a couple of points to follow on to demonstrate how important it is that this Senate, in fact, embrace comprehensive reform but do it in a two-step process where we ensure our borders.

The distinguished Senator from California made the following statement: The reason we have so much illegal immigration today is because Americans don't do the jobs or won't do the jobs. I submit that is partially right.

The reason we have so much illegal immigration today is because it is easier to get into the United States illegally than it is legally. At a time of war on terror, that is a huge problem. We owe it to ourselves to fix our immigration system in a tandem, in-step process that guarantees security and then reforms immigration to meet the demands of American business, American agriculture, and American industry.

We do not find anyone trying to break out of the United States of America. They are all trying to break in, for a very good reason. This is the land of hope, opportunity, and promise. We have to return to the day where the way to come to this country is legally and not illegally. The best way to do that is to make illegal immigration into this country untenable. The way to do that is go from making promises to actually causing reality to take place on our border.

I support the motion to proceed on this House bill, H.R. 6061. I support Senator SESSION's amendment to the original bill in the Senate to put up a barrier. I support authorizing them. But I remind my colleagues in this body that we do two things that start with ''a'': we authorize and appropriate. An authorization is a promise, and an appropriation is a commitment. It is time in terms of securing our borders that this Senate and the body across the hall made a commitment and made border security a reality.

I commend Chairman JUDD GREGG on the tremendous work he has done. Chairman GREGG is precisely correct. We are making progress toward securing the border. However, we have not closed the deal. We have not finished the appropriation. We have not gone from the authorization commitment that it will take to do so. Until we do, we can never have a meaningful immigration reform program.

I suggested, Senator CORNYN has suggested, Senator SESSIONS has suggested, and Senator FEINSTEIN just made the statement that this is truly a national emergency. If it is, it is truly a time for an emergency supplemental from the President of the United States to fund those things we have all agreed it takes to secure our border.

For the sake of clarity, I will go through those for a second: 6,000 more Border Patrol agents, which, by the way, can be accomplished and trained in 24 months; barriers along the border in those geological and geographic areas that demand barriers, as in southern California years ago. We know how much that cost. That can be accomplished in 24 months. We need the ''eyes in the sky'' referenced in H. Res. 6061, the seamless ''eyes in the sky'' so our manpower can be multiplied tremendously because we have unmanned aerial vehicles patrolling our border, all 2,000 miles of it, night and day. We need to fund the judicial and prosecuting authority along our border to the southwest to see to it that when we make a case, we prosecute. Lastly, we need to build the detention facilities that end the practice of catch and release.

The beauty of going ahead and making the commitment to do it is, immediately upon doing so, those who are here illegally will comply with whatever program we come up with because they will know they can no longer go home. When the border is secure, it works both ways. We can do that. I have not met an American citizen yet in this debate which has been raging for the better part of the last 5 months in the Congress of the United States who wouldn't consider granting legal status to someone who is here illegally if they have cleared the terrorist watch list, if they have demonstrated they have a job, but they don't want to do it until they are sure our border is secure.

History is a great teacher. Twenty years ago, Alan Simpson, from Wyoming, was the author of the American immigration reform bill. The American people were clamoring to do something about the 3 million undocumented and illegal workers who were in America in 1986. People along our borders were clamoring for border security. We passed the Simpson bill. It promised border security. It granted amnesty to those 3 million.

The reality was, we delivered on the amnesty. We looked the other way on border security. And today, we have a 12 million-illegal-aliens problem. If we do a wink and a nod to border security now and reform immigration to attract more, all we will do 20 years from now is have an untenable number of 20, 25, or 30 million.

So H.R. 6061 sends a great message. I might add, the reason it got 96 votes with no dissenting votes on a motion to proceed today, most Members of the Senate have gone home. Most have talked the last 5 months to their constituents. Most know the American people want the border secure. It is a good political vote to authorize those barriers, those fences, and this appropriations. However, it is ultimately our responsibility to see to it that we authorize and appropriate border security and do it in tandem with a reformed immigration program.

By the way, I am always amused by how everyone said we have to get this new reform program in place and don't make the barrier be a trigger for it. That won't work. The truth is, it takes just as long to get the reform program workable as it does to perform those items I just delineated to secure the border. In fact, the verifiable, nonforgeable, biometric ID that we need, we know we can do it in 18 months and have implemented in 24 months. That happens to be exactly the same period of time it takes to get the job done on the border.

It is time we start parsing on the edges. It is time we stop making this a

chicken-or-egg proposition. It is not a chicken-or-egg proposition. Reform of immigration can only take place after we have secured the border. The work it takes to secure the border is exactly the time period it takes to prepare for the new situation of legal immigration.

We are close to a great opportunity to respond to the American people and do what is right. I commend my colleagues who come to the Senate and support 6061. It will send a great signal. But it is only a promise. We need to deliver a reality.

I ask unanimous consent that this letter to me from Richard A. Smith be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 5, 2006.

Hon. JOHNNY ISAKSON,
U.S. Senator.

DEAR SENATOR ISAKSON: I write to inform you of the grave concern I have with respect to both Houses failure to pass immigration reform legislation. I cannot imagine what more you and your colleagues require to motivate Congress to take action on this pressing matter of national security. More than a full year has passed and still not a shred of evidence that the House or Senate fully appreciate the concern this country has over illegal immigration. The impression is that government has completely failed its citizens on this pressing issue.

My vote and support, will go to the party that can address this critically important national security issue. The United States of America is being invaded by a foreign country without firing a single shot and our country's elected officials are apparently incapable of coming to agreement on a solution. I could not be more disgusted with Congress over this issue. You and your colleagues are urged to act on this pressing issue.

Very truly yours,

RICHARD A. SMITH,
Bernardsville, NJ.

Mr. ISAKSON. I will not read all of it, but this is an American citizen who wrote this letter today which I think illustrates the critical need for securing our border and ensuring it is done before we open the gates.

More than a full year has passed and still not a shred of evidence that the House or the Senate fully appreciate the concern this country has over illegal immigration. The impression is that government has completely failed its citizens on this pressing issue.

The United States of America is being invaded by a foreign country without firing a single shot and our country's elected officials are apparently incapable of coming to an agreement or a solution. I could not be more disgusted with the Congress over this issue. You and your colleagues are urged to act on this pressing issue.

I don't know how many letters have been written that contain thoughts almost identical to those of Richard Smith, but there have been lots of them. They are by far the preponderance of the communications to this Congress and this Senate.

Let's get H.R. 6061 up for a vote. Let's pass it. Let's make another promise toward border security. But let's come back in a timely fashion. Let's secure our borders and make the commitment and the investment that will take place. Let's reform our immigration process so the way to come to America in the future is the right way, not the easy way because we looked the other way.

Anders Bengsten was the father of my grandfather, whose name was also Anders Bengsten. He was a potato farmer in Sweden. When the famine hit in 1903, he emigrated to the United States of America. In Scandinavia, you don't keep the last name you had there; you take your father's first name, Isak, and add to it ''son.'' That is why most Scandinavians are Isakson, Ericson, Johnson, and Olson. He came to America and became Anders Isakson. He fled because of the potato famine. He landed on Ellis Island. He came legally. I have gone to Sweden and gotten the embarkation and legal papers. I have them at home.

My father was born in 1916, while Anders was still here legally but as an immigrant. My father is an American citizen today because of birthright citizenship. I am a citizen today because Anders Isakson bore that son in 1916. The proudest thing I have on my wall in my den at home is the May 3, 1926, documents that made Anders Isakson a U.S. citizen when he completed his process, 23 years after coming here legally as an immigrant, to become a citizen of the United States of America. There is not a person in this room who respects immigration and the right to come to America and the promise of Ellis Island more than I do. I am a living testimony to its promise.

It is time we return to a pathway to citizenship that is legal. It is time we stop looking the other way and letting people come to America the easy way and the soft way, and say to those who are learning our language, studying our history, those who are pledging allegiance to our country and disavowing their previous allegiance, those who are coming the right way ought to be the stars in the crown of American immigration. It is time we secure our border. It is time we reformed our immigration so the numbers coming reflect the demands of our economy. It is time we stop making promises. It is time we start delivering. America is too important. This issue is too critical to the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMAIR FLIGHT 5191

Mr. MCCONNELL. Mr. President, the people of Kentucky are still reeling from a terrible tragedy that struck less than a month ago. On August 27, ComAir flight 5191 crashed shortly after takeoff at Blue Grass Airport in Lexington. Forty-nine people perished.

Grief has descended on scores of families and into countless lives because of this devastating event. I know I am joined by all Kentuckians in extending sympathies and prayers to the families and loved ones of the victims.

As we continue to grieve, people throughout the Commonwealth are looking for answers. The National Transportation Safety Board has begun an investigation into the cause of this crash and what recommendations can be made to improve future aviation safety. I think we have an obligation to make sure their investigation proceeds smoothly and thoroughly and concludes in a timely manner so that all the questions can be answered as completely as possible. I have been personally briefed by the NTSB on the status of the investigation and intend to follow it very closely.

I spoke to the President about the crash, and he offered the entire State his prayers and is devoting the resources of the Federal Government toward the investigation.

I also expressed concerns to the Transportation Secretary nominee, Mary Peters. She is aware of our concerns and the need for a thorough investigation conducted in a timely manner. Today, she will have the opportunity to update the committee as well. We also need to hear what changes need to be made to our aviation system to prevent catastrophes in the future.

Mr. President, it is impossible to overstate the sorrow that has draped over so many lives in the Commonwealth of Kentucky. Most of the passengers on flight 5191 were from my State. In a variety of different places across the State, it is rare not to know someone who knew one of the victims.

As Kentucky continues to heal, we will take a deep breath, refrain from jumping to conclusions, and finish a thorough and complete investigation.

Kentuckians have drawn together during this crisis to lend each other strength. I am proud of the outpouring of aid and voluntarism that the residents of the Bluegrass State have shown their neighbors. Grief will be there for a long time to come, but sympathy and support will be there too.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLIDARITY WITH ISRAEL

Mrs. CLINTON. Mr. President, today, supporters of Israel are gathering in New York to show solidarity with our friend and ally, the State of Israel, and I am proud to join my voice with theirs

in support of Israel. As world leaders gather in New York City for the General Assembly, the world must know that Americans and all people who value freedom and the rights and dignity of human beings around the world stand with Israel as it defends itself against unwarranted, unprovoked attacks from terrorists and their state sponsors.

It is essential for those of us who care deeply about what is happening in Israel now to recognize that Israel's struggle is a struggle on behalf of a future where people will be able to live in peace and security. The kidnapping of Israeli soldiers that precipitated the conflicts in Lebanon and Gaza have not yet been resolved, and it is essential that Israel's abducted soldiers are returned to Israel unconditionally. I have met with family members of one of the soldiers abducted in Israel near the Lebanese border who spoke eloquently and movingly about the importance of securing the safe return of the captured soldiers. Today I sent a letter to Jacob Kellenberger, president of the International Committee of the Red Cross, asking that he do whatever possible to determine the health and well-being of the three soldiers, to ensure that they have their full rights under the Geneva Conventions, and to do what he can to secure their release.

Israel's right to exist, and exist in safety, must never be put in question, and we must continue to stand up to offensive rhetoric and terrorist violence that threatens Israel's existence. Iranian President Mahmoud Ahmadinejad, a repeated purveyor of offensive rhetoric, is currently visiting New York for the United Nations General Assembly. It is my hope that world leaders will convey the message that through his statements calling for Israel's destruction and support for the terrorists who rain rockets on Israeli civilians and abduct its soldiers, President Ahmadinejad continues to lessen his standing as a credible world leader in the community of nations.

ARMENIAN INDEPENDENCE

Mrs. BOXER. Mr. President, I take this opportunity to recognize and celebrate the important milestone of the 15th anniversary of Armenian independence.

Armenia has a rich history which spans more than 3000 years. Considered one of the cradles of civilization, Armenia was the first country in the world to officially adopt Christianity as its religion. The Armenian alphabet and language have helped ensure the continuation of a vibrant Armenian culture, despite great odds and numerous attempts to destroy the Armenian nation and the Armenian people.

I was honored to witness the resiliency, courage, and spirit of the Armenian people when I visited Armenia as a Member of Congress in 1991, in the aftermath of the devastating earthquake. During that trip, my commitment to recognizing the Armenian genocide was further strengthened.

In 1915, the Ottoman Turks attempted to annihilate the Armenian people in a brutal genocide. To this day, the Turkish Government refuses to acknowledge the atrocities for what they were—a systematic genocide. Not only were the Armenian people able to survive the genocide, but they kept their small nation alive. It was a great victory when the first Republic of Armenia was formed in 1918 following the Armenian genocide. But again, Armenia faced dissolution when it was taken over by the Soviet Union in 1920; the short-lived independence of Armenia ended when it became a Soviet Republic in the USSR.

Again, the Armenian people persevered despite their loss of independence and despite more devastation. In 1988, disaster hit when an earthquake rocked Armenia, killing approximately 50,000 people and leaving more than half a million people homeless.

Then, on September 23, 1991, Armenia declared its independence from the Soviet Union and formed the second Republic of Armenia. This was a rebirth of the independent state of Armenia and an historic moment for an oppressed country. It was a cause for celebration for Armenians around the world.

I am proud that the United States helped the newly independent Armenian nation during its transition to democracy. In December, 1991, the United States formally recognized the independence of Armenia, and the two countries established diplomatic relations with embassies in each country in January 1992.

But more remains to be done. This 15th anniversary offers an opportunity to celebrate the United States' relationship with Armenia and to renew our commitment to this country and our calls for Armenian genocide recognition.

Following September 11, 2001, Armenia was one of the first countries to respond with assistance to the United States. Armenia provided embassy protection and clearance for U.S. flight, shared intelligence, and froze bank accounts. The U.S. friendship with Armenia remains critical in our fight against terrorism. The United States must never forget Armenia's help and must do all it can to help this independent, democratic nation prosper.

On this milestone 15th anniversary, I am honored to recognize Armenian independence. I pledge to do all I can to assist Armenia and my Armenian-American constituents in California.

WELCOMING KAZAKSTAN PRESIDENT NURSULTAN NAZARBAYEV

Ms. LANDRIEU. Mr. President, next week the United States will welcome President Nursultan Nazarbayev, the leader of the Republic of Kazakhstan. Fifteen years ago 15 independent states were formed after the collapse of the Soviet Union. The international community has followed the aftermath of these events in that part of the world with great interest.

Kazakhstan has demonstrated important economic gains during this period. The reforms which have been carried out thus far have allowed it to become one of the world's rapidly developing economies with an annual growth of 9–10 percent. Additionally, it has become the place for common ground among its various ethnic and spiritual groups.

As ethnic and religious conflicts divide regions around the world, Kazakhstan is working to preserve broad interfaith tolerance by creating the Congress of World and Traditional Religions. This program unites a predominantly Muslim country with more than 40 other faiths and fosters a dialog which assists in overcoming religious differences.

One cannot overlook Kazakhstan's contribution to nonproliferation and promotion of global security. Kazakhstan had the world's fourth largest nuclear arsenal, and renounced this lethal heritage without any pressure or coercion.

Independent Kazakhstan is a young nation, yet it has shown tremendous progress and occupies a worthy place in the international community. President Nursultan Nazarbayev has made significant contributions to the establishment of strong and friendly relations with the United States.

After the tragic events on September 11, 2001, Kazakhstan extended its generosity to the people of the United States and after Hurricane Katrina it offered its generous support to the people of Louisiana.

Today our countries enjoy a solid foundation for the continued flourishing of a partnership along the entire spectrum of bilateral relations. Kazakhstan is a dependable partner of the United States in the global war on terrorism. I am confident the upcoming visit of President Nazarbayev to the United States will deepen and strengthen the strategic partnership between our two countries.

NORTHERN MARIANA ISLANDS

Mr. BINGAMAN. Mr. President, the Commonwealth of the Northern Mariana Islands, CNMI, became a part of the United States 30 years ago with high expectations, but today they are an American community in deep distress. The CNMI economy is being bled by a rapid decline in its garment industry as the result of new international trade rules, by losses in its tourism industry, and by the loss of over $100 million each year in wages that are sent offshore by foreign guest workers. The community on Saipan, where 90 percent of the population resides is experiencing increasing problems with water quality and service, the electric system has returned to scheduled outages after years of reliable service, and overburdened wastewater systems cause regular contamination of the land, air,

and water. The Government has recently made layoffs in an effort to balance the budget and has even cut back the number of workdays for those who continue to have jobs. Unemployment is conservatively estimated at 14 percent and rising, and a shocking 65 percent of children receive food assistance. Only 6 months ago, the Government asked Congress for an unprecedented $140 million in new appropriations to maintain government operations and meet critical needs.

There are many reasons for this dire situation; some are temporary, others are systemic. One of the systemic causes of this situation which should be addressed promptly by Congress and the administration is the local government's labor and immigration policies, particularly their promotion of an extremely high population growth rate, 500 percent in 30 years, and their promotion of the use of alien guest workers instead of U.S. citizens for nearly all private sector occupations. In order to establish a stable and sustainable foundation for the CNMI's future, a new Federal immigration and labor policy framework and Federal institutions are needed to properly control the borders and to properly manage the guest worker program.

When the CNMI became a U.S. territory in 1976, most U.S. laws were immediately extended. However, the granting of U.S. citizenship to the inhabitants and the extension of U.S. immigration law were not to occur until ''after termination of the Trusteeship Agreement''; that is, not until after the international community, acting through the United Nations, recognized the extension of U.S. sovereignty over the islands by terminating the U.N. Trusteeship Agreement.

Unfortunately, during the 10-year period between U.S. approval of the covenant in 1976 and U.N. termination of the trusteeship in 1986, the CNMI began the importation of foreign workers to exploit a combination of immigration, wage, and trade privileges. In 1986, the Reagan administration wrote to the CNMI Governor stating that ''the tremendous growth in alien labor [is] . . . extremely disturbing'' and urged ''timely and effective action to reverse the . . . situation.'' The administration warned that ''the uncontrolled influx of alien workers . . . can only result in increased social and cultural problems.'' The CNMI policy was also inconsistent with the legislative history of the covenant which states that local immigration control was intended to restrict immigration in order to protect the indigenous community from being overwhelmed by immigrants.

Notwithstanding these concerns expressed by the Reagan administration, and later the Bush and Clinton administrations, the CNMI continued to import alien guest workers and other, nonworker, aliens. The population of 16,000 in 1976 has exploded to an estimated 80,000 today.

Mr. President, in 1999, the Northern Mariana Islands Covenant Act Implementation Act was reported favorably by the Committee on Energy and Natural Resources, and it passed the U.S. Senate by unanimous consent in 2000. It would have extended the Immigration and Nationality Act, INA, to the CNMI as anticipated under the covenant agreement which joined the United States and CNMI in political union in 1976. The measure was reintroduced in the 107th Congress and was again reported favorably by the Energy Committee. I was pleased that the measure continued to have bipartisan support at that time, including the ''strong support'' of the administration.

On June 21,2006, I joined with my colleague and the chairman of the Energy Committee, PETE DOMENICI, in a letter to the Secretary of the Interior, copied to the Attorney General and the Secretary of Homeland Security, asking whether there have been developments that would cause the administration to alter its support for this bill. We have not yet received a reply.

Mr. President, I ask unanimous consent that a copy of the recent letter to Secretary Kempthorne, a copy of the original, 2001 letter of support from the administration, and a copy of a section-by-section summary of the legislation all be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BINGAMAN. Mr. President, I believe the reasons the Administration and Congress should continue to support legislative action are compelling, and I present them here for the consideration of my colleagues and the public. In short, there are five reasons that legislation is needed to more fully implement the covenant agreement that ties the CNMI and the United States in political union: the lack of local institutional capacity, national security, ineffective law enforcement against organized crime, an unsustainable economic model, and inadequate protection for alien workers. I believe that any one of these reasons is a basis for the administration to reaffirm its support. All five reasons make the case for continued support overwhelming.

First, congressional action is needed because the CNMIs lack the institutional capacity to control its borders or to properly manage immigration and guest worker programs. In 1997, reports by both the U.S. Immigration and Naturalization Service, INS, and by the bipartisan U.S. Commission on Immigration Reform found that the CNMI does not have, and never will have, the capacity to properly control its borders because border control requires sovereign authority to operate overseas consulates, issue visas, and have access to classified national and international ''watch'' lists. During the Energy Committee's hearings on this legislation in September of 1999, the General Counsel of the INS, Mr. Bo Cooper, was asked, ''Do you foresee any circumstances under which the government of the Commonwealth could operate an immigration system that is satisfactory to the Federal Government?'' Mr. Cooper responded, ''No, I do not.'' This fundamental fact has not changed with time, and it alone constitutes a basis for enacting legislation to extend Federal immigration control to the CNMI.

Second, Federal legislative action is needed because the post-9/11 environment requires that the United States secure its borders. The CNMI is an American community that deserves that same level of protection from attack as other American communities. The United States also has important military assets and training facilities in the CNMI, and our Nation's Naval and Air Force bases in nearby Guam are increasingly important both regionally and globally. The threat from North Korea, tension between Taiwan and China, and terrorist activity in the nations of Southeast Asia, all underscore the strategic importance of the Marianas. Yet the lack of institutional capacity to secure the borders underscores the vulnerability of the Marianas, and the Nation. Border control is an inherently sovereign function, and given the increasing importance of the Marianas, the increased threats they face, and the obligation of the President to protect all U.S. communities, this function can no longer be delegated to local authorities.

A third reason for congressional action is the CNMI's lack of capacity to screen for criminals entering the islands. This deficiency has contributed to the establishment of organized crime elements from Japan, China, and Russia in the community and to an increase in illegal drug, gambling, prostitution, and trafficking crimes associated with such elements. The 1997 INS report found that: ''[There are] serious deficiencies in all facets of the Marianas' current system of immigration enforcement and control'' and ''There appears to be universal recognition amongst the Mariana Government Authorities that various organized crime groups, such as the Japanese Yakuza, the Chinese Triads, and the Russian Mafia have made inroads into the Marianas . . . Few of these persons are ever detected at the port-of-entry or apprehended while in the Marianas.'' The report recommended that Congress enact legislation to extend the Immigration and Nationality Act.

A fourth reason for congressional action is to change CNMI immigration and labor policies that are unsustainable and contribute to the distress the community now faces. The CNMI, promotes the use of guest workers to fill virtually all private sector jobs: unskilled, skilled, and even professional jobs. In addition, both the CNMI Government and the private sector earn income from the hiring of alien workers but not from hiring U.S. citizens. Consequently, those U.S. citizens who cannot find increasingly

scarce Government work are left to go on welfare or emigrate. Unemployment is conservatively estimated at 14 percent and rising. An astounding 65 percent of children are on food assistance. Also contributing to this unsustainable economic model is the problem of wage remittances. For 2005, it was reported that guest worker remittances to their home countries was well in excess of $100 million. These remittances are bleeding the community of wealth that is no longer available to buy goods and services, create jobs, and otherwise stimulate economic activity for the benefit of the community.

The CNMI's labor and immigration policies also contribute to an unsustainable economy because they result in huge population growth rates which have overwhelmed the community's infrastructure and services. Most of these new residents are very low-wage or no-wage migrants who are a net drain on the economy, consuming more in public services than they contribute in taxes. As a result, water and power are rationed; sewage fouls the land, air, and water; and healthcare and education facilities are seriously overcrowded. Each year the economy struggles to support growing numbers of unemployed U.S. citizens, as well as thousands of nonworking alien and illegal alien residents.

Finally, local labor and immigration policies contribute to an unsustainable economy because the resulting high crime and deteriorating infrastructure create disincentives to investment. Gone are the clean and open beaches and the reliable utilities and services that attracted new hotel and tourist investment 20 years ago. Instead, the CNMI has asked the Congress for a $140 million bailout to sustain an economic model that is fundamentally flawed.

The fifth reason Federal legislative action is needed is to protect guest workers from abuse. Abuse of workers was the driving force behind congressional establishment of the Federal-CNMI Initiative on Labor, Immigration, and Law Enforcement in 1994. Following establishment of this program, Interior Department investigations confirmed the allegations of outrageous abuses, from widespread and systematic cheating of workers out of ages, to improper confinement, to coerced abortions. The worst of these abuses have apparently ended, in part through the efforts of the U.S. Department of the Interior's labor ombudsman. This office was established under the initiative in 1999 as a stop-gap measure because the Energy Committee's efforts to enact reform legislation had run into insurmountable opposition in the U.S. House of Representatives. The Interior labor ombudsman's responsibility was, and remains, to advocate on behalf alien workers; to give them a voice in the face of the inadequately funded and often indifferent local bureaucracy.

Unfortunately, the 2006 ombudsman's report states that while there have been improvements in the treatment of guest workers, ''There are still a number of serious problems that have yet to be effectively addressed by local government officials: ensuring the health and safety of alien workers; inadequate prevention efforts to curb labor abuses through periodic regulatory inspections; unacceptable delay in investigating and adjudicating worker complaints due to failure to allocate sufficient resources to the Department of Labor; difficulty rooting out corruption within the agencies tasked with regulating alien entry and work permitting, and an inability or unwillingness to prosecute repeat offenders.''

Mr. President, if, after 12 years of effort, the chief Federal labor official in the CNMI still finds such systemic problems in the local government's capabilities and commitment to stop the abuse of guest workers, then it is clearly time for Congress to enact reform legislation. Stop-gap measures have only resulted in stop-gap solutions. If foreign-national guest workers continue to be mistreated under the U.S. flag, then it is the duty of the Congress to extend the Federal laws and institutions necessary for their protection.

I am disappointed with the lack of priority which the Department of the Interior has given the CNMI Initiative during recent years. Since 2000 the Department has failed to submit an annual report on the initiative. This year the report was finally submitted but only after the Department was twice directed to do so in congressional appropriations report language. As for content, the report is completely inadequate. It was composed only of a statement by the Interior labor ombudsman and it failed to include the input of Federal law enforcement officials or any of the socioeconomic data needed to properly assess socioeconomic and law enforcement trends in the islands. Without regular tracking of census and economic data, such as population, household income, and government revenues and expenditures, Congress must rely upon press reports to assess conditions in the islands. Nevertheless, the information contained in the Department's narrowly scoped report still leads to the conclusion that conditions have not fundamentally changed with respect to the protection of guest workers, and Federal legislative action is still needed.

Any one of these five reasons—lack of institutional capacity, border control, law enforcement, unsustainable economics, and inadequate worker protection—is sufficient cause for Federal action. All five reasons make an overwhelming case. Certain fundamental facts that existed in 2001 when the administration first announced its support for legislation remain unchanged. For example, the CNMI still lacks the capacity to properly operate immigration and guest worker programs. Other facts are new and provide further justification for the administration to reaffirm its support. For example, after 9/11 the United States is at greater risk of attack and must secure its borders and protect the U.S. citizens of the Marianas as we protect all communities on American soil

Border security and immigration control are inherent functions of national sovereignty that were intended to be extended to the CNMI following international recognition of the extension of U.S. sovereignty over the islands. That recognition occurred in 1986. As predicted by the Reagan administration 20 years ago, the failure of Congress to extend these laws has resulted in unacceptable social and cultural problems. Four U.S. administrations have expressed serious concern with these conditions, and two administrations have endorsed legislation to extend the INA with appropriate protections for the local economy. There have been no developments since 2001 that provide a basis for the administration to alter its strong support for this approach. In fact, the case for extending Federal policies and institutions to the CNMI to protect the community and to stabilize its economy is more compelling than ever.

I look forward to receipt of the administration's reply to the committee's June 21 2006 letter, and to working with them, Chairman DOMENICI, and representatives of the CNMI on legislation to extend Federal immigration policies and institutions to the CNMI as anticipated by the covenant and as needed to protect the community and restore its economy to a sustainable future.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, June 21, 2006.

Hon. DIRK KEMPTHORNE,
Secretary, U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY KEMPTHORNE: The U.S. Senate is currently engaged in a debate regarding our Nation's immigration policies, including discussion of border security, labor demand, and the status of persons currently in the country without legal status. As members of the Committee on Energy and Natural Resources which has jurisdiction with respect to the Territories of the United States, we have, over the course of several years, considered these issues with respect to the Commonwealth of the Northern Mariana Islands (CNMI).

On June 5, 2001, the Committee reported legislation, the Northern Mariana Islands Covenant Implementation Act (S. 507, S. Rpt. 107–28) that would have extended Federal immigration law to the CNMI with certain transition, exemption, and assistance provisions. This legislation was reported with a statement of support by the Administration as set forth in the letter of May 15, 2001 from Assistant Attorney General Daniel J. Bryant to then-Chairman Frank H. Murkowski.

Given the passage of time, we are writing to ask whether there have been any developments in the CNMI that would cause the Administration to readdress their statement from 2001. We ask that you please provide a response within 30 days, as Chairman of the Interagency Group on Insular Affairs, and direct any questions that you may have to

Josh Johnson or Allen Stayman of the Committee staff at 202–224–4971. Thank you in advance for your assistance.

Sincerely,

PETE V. DOMENICI,
Chairman.
JEFF BINGAMAN,
Ranking Member.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 15, 2001.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on S. 507, the ''Northern Mariana Islands Covenant Act.'' We strongly support S. 507.

S. 507 would extend the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands (''CNMI''). It contains special provisions to allow for the orderly application of national immigration law, taking into account the local economy in this newest United States territory. S. 507 is identical to S. 1052 from the 106th Congress.

We believe that S. 507 would improve immigration policy by guarding against the exploitation and abuse of individuals, by helping to ensure that the United States adheres to its international treaty obligation to protect refugees, and by further hindering the entry into United States territory of aliens engaged in international organized crime, terrorism, or other such activities. Consequently, we support S. 507 and urge its passage.

This bill has resource implications for the Executive branch. If it passes, we look forward to working with the appropriate committees to ensure that the necessary resources are dedicated to achieve the purpose of the bill.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of further assistance. The Office of Management and Budget has advised us that, from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

Identical letter sent to the Honorable Jeff Bingaman, Ranking Minority Member.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT, 107TH CONGRESS.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title and purpose. The statement of purpose is intended to guide and direct Federal agencies in implementing the provisions of this Act, and states, in part:

''. . . it is the intention of Congress in enacting this legislation: (1) to ensure effective immigration control by extending the Immigration and Nationality Act with special provisions to allow for the orderly phasing-out of the non-resident contract worker program of the Commonwealth of the Northern Mariana Islands, and the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and to minimize, to the greatest extent possible, potential adverse effects this orderly phase-out might have on the economy of the Commonwealth of the Northern Mariana Islands. . . .''

Section 2. Immigration reform for the Commonwealth of the Northern Mariana Islands. Subsection (a) amends Public Law 94–241 which approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America by adding a new section 6 at the end.

The new Covenant Section 6: provides for the orderly extension of Federal immigration laws to the CNMI under a transition program designed to minimize adverse effects on the economy. Specific provisions are made to ensure access to workers in legitimate businesses after the end of the transition and for the adjustment of those foreign workers who are presently in the CNMI and who have been continuously employed in a legitimate business for the past five years.

Subsection (a): provides, except for any extensions that may be provided by the Attorney General to specific industries in accordance with the provisions of subsection (d), for a transition program ending after eight years to provide for the issuance of: nonimmigrant temporary alien worker; family-sponsored, and employment-based immigrant visas.

Subsection (b): addresses the special problems faced by employers in the CNMI due to the Commonwealth's unique geographic and labor circumstances by providing an exemption from the normal numerical limitations on the admission of H–2B temporary workers found in the INA. This subsection enables CNMI employers to obtain sufficient temporary workers, if United States labor and lawfully admissible freely associated state citizen labor are unavailable, for labor sensitive industries such as the construction industry.

Subsection (c): sets forth several requirements during the transition program which must be met with respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the INA. The intent of this subsection is to provide a smooth transition from the CNMI's current system. The Secretary of Labor will be guided by the Act, including the Statement of Purpose and the explanation in the Committee Amendments section of the Committee Report in establishing the system for the allocating and determining the number of permits. Subsection (j) provides for petitions to adjust the status of certain long-term employees. If any petitions are granted under subsection (j), the number of permits are to be reduced accordingly to the extent that the system adopted by the Secretary of Labor assumed an allocation of permits for the positions held by persons whose status is adjusted under subsection (j).

Subsection (d): provides general limitations on the initial admission of most family-sponsored and employment-based immigrants to the CNMI, as well as a mechanism for exemptions to these general limitations. This subsection is intended to address the concerns expressed by this Committee, in approving the Covenant in 1976, regarding the effect that uncontrolled immigration may have on small island communities. This subsection further provides for a ''fail-safe'' mechanism to permit, in cases of labor shortages, that certain unskilled immigrant worker visas intended for the CNMI be exempted from the normal worldwide and per-country limitations found in the INA for such unskilled workers. This subsection does not increase the overall number of aliens who may immigrate to the United States each year.

Paragraph (1): of this subsection authorizes the Attorney General, after consultation with the governor and the leadership of the Legislature of the CNMI and in consultation with other Federal Government agencies, to exempt certain family-sponsored immigrants who intend to reside in the CNMI from the general limitations on initial admission at a port-of-entry in the CNMI or in Guam. For example, unless the CNMI recommends otherwise, most aliens seeking to immigrate to the CNMI on the basis of a family-relationship with a United States citizen or lawful permanent resident would be required to be admitted as a lawful permanent resident at a port-of-entry other than the CNMI or in Guam, such as Honolulu.

Paragraph (2): generally provides the Attorney General with the authority to admit, under certain exceptional circumstances and after consultation with federal and local officials, a limited number of employment-based immigrants without regard to the normal numerical limitations under the INA. The purpose of this provision is to provide a ''fail-safe'' mechanism during the transition program in the event the CNMI is unable to obtain sufficient workers who are otherwise authorized to work under U.S. law. This paragraph would also provide a mechanism for extending the ''fail-safe'' mechanism beyond the end of the transition program, for a specified period of time, with respect to legitimate businesses in the CNMI.

Subparagraph (A): provides that the Attorney General, after consultation with the Secretary of Labor and the Governor and leadership of the Legislature of the CNMI, may find that exceptional circumstances exist which preclude employers in the CNMI from obtaining sufficient work-authorized labor. If such a finding is made, the Attorney General may establish a specific number of employment-based immigrant visas to be made available under section 203(b) of the INA during the following fiscal year. The labor certification requirements of section 212(a)(5) will not apply to an alien seeking benefits under this subsection.

Subparagraph (B): permits the Secretary of State to allocate up to the number of visas requested by the Attorney General without regard to the normal per-country or 'other worker' employment-based third preference numerical limitations on visa issuance. These visas would be allocated first from unused employment-based third preference visa numbers, and then, if necessary, from unused alien entrepreneur visa numbers.

Subparagraph (C): deals with entry of persons with employment-based immigrant visas. Persons who are otherwise eligible for lawful permanent residence under the transition program may have their status adjusted in the CNMI.

Subparagraph (D): provides that any immigrant visa issued pursuant to this paragraph shall be valid only to apply for initial admission to the CNMI. Any employment-based immigrant visas issued on the basis of a finding of 'exceptional circumstances' as described in subparagraph (A) above, would be valid for admission for lawful permanent residence and employment only in the CNMI during the first five years after initial admission. Such visas would not authorize permanent residence or employment in any other part of the United States during this five-year period. The subparagraph also provides for the issuance of appropriate documentation of such admission, and, consistent with the INA, requires an alien to register and report to the Attorney General during the five-year period. This five-year condition is intended to prevent an alien from using the CNMI-only transition program as a loophole to gain employment in another part of the United States. Without this condition, such an alien, as a lawful permanent resident, would be eligible to work anywhere in the United States, thereby avoiding the lengthy (seven years or longer) waiting period currently faced by other aliens seeking unskilled immigrant worker visas.

Subparagraph (E): provides that an alien who is subject to the five-year limitation under this paragraph may, if he or she is otherwise eligible, apply for an immigrant visa

or admission as a lawful permanent resident on another basis under the INA.

Subparagraph (F): provides for the removal from the United States, of any alien subject to the five-year limitation if the alien violates the provisions of this paragraph, or if the alien is found to be removable or inadmissible under applicable provisions of the INA.

Subparagraph (G): provides the Attorney General with the authority to grant a waiver of the five-year limitation in certain extraordinary situations where the Attorney General finds that the alien would suffer exceptional and extremely unusual hardship were such conditions not waived. The benefits of this provision would be unavailable to a person who has violated the terms and conditions of his or her permanent resident status, such as an alien who has engaged in the unauthorized employment.

Subparagraph (H): provides for the expiration of limitations after five years.

Subparagraph (I): provides for not more than two five-year extensions, as necessary, of the employment-based immigrant visa programs of this paragraph, with respect to workers in legitimate businesses in the tourism industry. This provision is designed to ensure that there be a sufficient number of workers available to fill positions in the tourism industry after the transition period ends. The subparagraph also permits a single five-year extension for legitimate businesses in other industries. The provisions are explained more fully under the discussion of Committee Amendments.

Subsection (e): provides further detail regarding nonimmigrant investor visas.

Subsection (f): provides further detail regarding persons lawfully admitted into the CNMI under local law.

Subsection (g): provides travel restrictions for certain applicants for asylum.

Subsection (h): deals with the effect of these provisions on other law.

Subsection (i): provides that no time spent by an alien in the CNMI in violation of CNMI law would count toward admission and is self-explanatory.

Subsection (j): provides a one-time grandfather for certain long-term employees and is more fully discussed in the section of the Report describing the Committee Amendment.

Section 2, subsection (b): provides for three conforming amendments to the INA.

Section 2, subsection (c): provides for technical assistance to specifically charge the Secretary of Commerce to provide technical assistance to encourage growth and diversification of the local economy and the Secretary of Labor to provide assistance to recruit, train, and hire persons authorized to work in the U.S.

Section 2, subsection (d): provides administrative authority for the Departments of Justice and Labor to implement the statute.

Section 2, subsection (e): provides for a report to Congress.

Section 2, subsection (f): limits the number of alien workers present in the CNMI prior to the transition program effective date.

Section 2, subsection (g): authorizes appropriations.

CONDEMNING DRIVE HUNTS

Mr. LAUTENBERG. Mr. President, I rise today to discuss the inhumane and unnecessary annual slaughter of small cetaceans, including Dall's porpoise, the bottlenose dolphin, Risso's dolphin, false killer whales, pilot whales, the striped dolphin, and the spotted dolphin, by Japan's drive fishery.

Drive hunts are run by fishers who use scare tactics to herd, chase, and corral the animals into shallow waters where they are trapped and then killed or hauled off live to be sold into captivity. The overexploitation of these highly social and intelligent animals for decades has resulted in the serious decline, and in some cases, the commercial extinction, of these species.

On April 7, 2005, I introduced Senate Resolution 99 to help end this inhumane and unnecessary practice and urged participating countries to stop the brutal treatment of these animals. Fishers have killed small cetaceans along the coastlines of Japan for centuries with no regard for the humaneness or sustainability of the hunt. Currently, up to 20,000 small cetaceans of several species are killed in Japanese drive and harpoon hunts each year. In the last two decades, more than 400,000 have been slaughtered in Japan alone.

The cruelty endured by dolphins and whales caught in drive hunts is immense. Aboard motorized boats, drive hunt fishers loudly bang metal pipes over the side of their boats to disorient the animals and drive them toward shore where they are trapped by nets and stabbed with long knives, usually just behind the blowhole or across the throat. Many of the animals eventually die from blood loss and hemorrhagic shock or their spinal cord is severed.

Today, the Humane Society of the United States/Humane Society International, Animal Welfare Institute, and Whale and Dolphin Conservation Society are joining with concerned citizens throughout this country and around the world to gather in peaceful demonstrations to express their concern for the welfare of these animals. I, too, join them in condemning these brutal and senseless hunts.

TRIBUTE TO JUDGE JAMES DEANDA

Mr. LEAHY. Mr. President, this afternoon I would like to take a moment to mark the passing of a great American—Judge James DeAnda. Judge DeAnda died of cancer on September 7, 2006, at the age of 81. He was appointed to the Federal bench by President Jimmy Carter in 1979 and served as judge on the U.S. District Court for the Southern District of Texas until his retirement in 1992. Before his distinguished tenure as a Federal trial judge, James DeAnda was a tireless civil rights advocate with what has become known as a ''voracious appetite for justice.''

Born in Houston, TX, James DeAnda was the son of Mexican immigrants. He attended Texas A&M University and served in the U.S. Marines during World War II before graduating from the University of Texas Law School in 1950, when there were only a handful of Hispanic law students. James DeAnda returned to Houston after graduation, but he had difficulty finding work because White law firms refused to hire a Hispanic lawyer. Not one to be discouraged, James DeAnda joined another Hispanic lawyer to form a legal practice dedicated to representing Hispanic Americans.

In one of his earliest cases, James DeAnda was a member of the four-person legal team behind Hernandez v. Texas, 1954, the first case tried by Mexican American attorneys before the U.S. Supreme Court. In Hernandez, the Supreme Court overturned the murder conviction of a Hispanic man by an all-White jury and for the first time gave Hispanics status as a distinct legal classification deserving of special protection under the Constitution. This case represented a watershed moment in our civil rights history because it opened the door to voting rights, education, and employment challenges by Hispanic Americans. James DeAnda himself used this newly attained classification to fight the segregation of Hispanic children within public schools. He was involved in a number of cases including Cisneros v. Corpus Christi Independent School District, 1970, in which the Supreme Court extended for the first time Brown v. the Board of Education to Hispanics.

In 1968, James DeAnda helped found the Mexican American Legal Defense and Educational Fund, MALDEF. As one of our Nation's leading Latino advocacy organizations, MALDEF played a crucial role in Judiciary Committee hearings on reauthorization of the Voting Rights Act this year. Several MALDEF leaders testified before the Senate and House committees about the continued importance of the Voting Rights Act in ensuring equal access and fair representation for minority voters. MALDEF conducted extensive studies showing the unavailability of translated voting materials and language assistance to Spanish-speaking voters, despite the legal requirement that they be provided and clearly demonstrated the need for reauthorization of the Voting Rights Act.

Judge James DeAnda inspired generations of civil rights advocates. The continuing work of the organization he helped to found, MALDEF, serves as an enduring legacy to this great American. Our thoughts and prayers go out to his family.

GOLD STAR MOTHERS

Mr. ALLARD. Mr. President, 70 years ago, Congress passed a resolution proclaiming that the last Sunday in September be designated as Gold Star Mother's Day. As we approach the last Sunday in September, I would like to take this opportunity to recognize the Gold Star Mothers throughout the country and particularly those in the State of Colorado.

I hope that we will all take time this Sunday, September 24, to honor these mothers and fathers who have so bravely endured the loss of a son or daughter killed while serving in the Armed Forces. Colorado has lost many young

men and women to combat since the horrendous attacks of 9/11. One day is not long enough for us to ever fully honor those parents who have had to suffer the unimaginable pain of losing a child, but we will try.

Across the State of Colorado and the rest of the Nation, many of these mothers have come together not only for support but also to volunteer their time serving veterans and families of soldiers, encouraging patriotism and national pride, and honoring their children through service and allegiance to the United States. Through their volunteer efforts, they keep alive the memory and spirit of those whose lives were lost in the war. They continue to inspire compassion, strength, and faithfulness for all Americans.

To mark this weekend, the Blue Star Mothers of Colorado will be hosting Colorado's first annual Gold Star Mother's Day Weekend. There will be several events throughout the weekend celebrating the lives of those soldiers who so courageously gave the ultimate sacrifice for their Nation. Unfortunately I will not be able to attend the ceremony myself, but my wife Joan and I want to send our thoughts and prayers to those who will be attending the event.

Words truly cannot express America's gratitude for our Armed Forces and their service and sacrifice to this Nation. Those who have fallen have served a cause greater than themselves and deserve special honor. To their mothers and fathers, you too deserve special honor as you continue to carry on the patriotic duties and legacy that your son or daughter sadly could not. I thank you for your courage and for your service to the United States of America.

Over the last 3 years, our Nation has been locked in a terrible struggle against radical extremists across the Middle East. And I will readily admit that this fight is one that we did not anticipate. But I do know that every life given in the name of freedom has not been given in vain.

While they continually experience many dangerous challenges, our men and women of our Armed Forces continue making strides in Iraq and Afghanistan. We have fought a terrible enemy that has no regard for human life.

Yet despite our challenges, we have seen tremendous progress, especially towards helping to create partners in our fight against terrorism worldwide. Indeed, much of our success depends on the men and women in the new democratic governments formed in Iraq and Afghanistan, and they are stepping up to the challenge. In Iraq, people from all walks of life—Sunnis, Shia, and Kurds—have participated in multiple elections and referendums across the country for the first time in Iraq's history.

Remarkably, after democratic elections in Afghanistan, women are holding positions of power in local and national governments, something that was impossible under the Taliban's rule. The sovereign governments are working with regional and international partners in achieving united democracies—an achievement only allowed through our fighting men and women in combat.

Many remarkable achievements have been made through the sacrifices of the men and women in the military, but perhaps the most important of all is what has not occurred in our own country. Since we took military action against these Islamic extremists and brought the fight to them, we have not seen an attack on American soil. The sacrifices that the sons and daughters of our Gold Star Mothers have made and continue to make are protecting us here on our shores.

Unfortunately, we have seen that even after the death of terrorist leaders like Abu Musab al-Zarqawi that the forces of the Islamic extremists vow that they will continue to wage war on American civilians. Our success against this type of enemy is only ensured by the brave men and women of our Armed Forces. They provide the safety and security to our nation, and we are truly grateful for what they have done. While the cost has been high, the cost of doing nothing would be even greater. These words provide little comfort to the families that have lost loved ones. But we will always remember those who have lost their lives in support of our freedom, and thank them for their sacrifice. I ask unanimous consent for the list of fallen heroes from Colorado be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PFC Travis W. Anderson
PFC Shawn M. Atkins
SGT Daniel A. Bader
SGT Douglas E. Bascom
SGT Thomas F. Broomhead
Petty Officer 2nd Class Danny P. Dietz
LCpl Mark E. Engel
SGT Christopher M. Falkel
PFC George R. Geer
LCpl Evenor C. Herrera
CPL Benjamin D. Hoeffner
SGT Theodore S. Holder II
MAG Douglas A. La Bouff
SSG Mark A. Lawton
SPC Derrick J. Lutters
PFC Tyler R. MacKenzie
LCpl Chad B. Maynard
SGT Dimitri Muscat
SGT Larry W. Pankey Jr.
SSG Michael C. Parrott
PFC Chance R. Phelps
PFC Ryan E. Reed
SFC Randall S. Rehn
SSG Gavin B. Reinke
SGT Luis R. Reyes
PFC Andrew G. Riedel
CAPT Russell B. Rippetoe
PFC Henry C. Risner
SFC Daniel A. Romero
LCpl Gregory P. Rund
SSG Barry Sanford
SSG Michael B. Shackelford
CPL Christopher F. Sitton
LCpl Thomas J. Slocum
LCpl Jeremy P. Tamburello
SSG Justin L. Vasquez
2LT John S. Vaughan
CAPT Ian P. Weikel
SPC Dana N. Wilson
SGT Michael E. Yashinski

Mr. ALLARD. Mr. President, in remembering their lives, we also honor them and celebrate the joy that they have brought to their families. To the Gold Star and Blue Star mothers and fathers, I salute you, and thank you for your service to this nation.

NATIONAL SCHOOL BACKPACK AWARENESS DAY

Mr. MENENDEZ. Mr. President, I rise in recognition of the fifth annual National School Backpack Awareness Day, September 20, 2006. Today, the American Occupational Therapy Association, AOTA, in collaboration with more than 350 occupational therapy practitioners across the country will be educating thousands of children and their families about how to stay healthy and succeed in school, especially how to prevent backpack related injuries. These organizations are taking real steps towards protecting our children during their most formative years.

Occupational therapists and occupational therapy assistants play an incredibly important role in our local communities. Occupational therapy practitioners work directly with students, parents, and teachers to modify educational environments so that all students can achieve academic success. They often develop plans to improve function and productivity, so as to maximize independence within the academic environment. Their knowledge about how children can stay healthy and succeed in school is invaluable. Today's effort to protect them from backpack injuries is much needed, and I know it will have a positive impact on thousands of families.

Many children enjoy picking out a backpack at the start of the school year, usually based on a certain color or design, but if worn incorrectly or if too heavy, there is a serious potential for injury. In light of this concern, today at schools, stores, hospitals, and shopping malls all over the Nation, children's backpacks will be ''weighed-in.'' This will ensure that children are not carrying more than 15 percent of their bodyweight on their back. According to U.S. and international studies, children using overloaded and improperly worn backpacks experience neck, shoulder and back pain. Furthermore, children wearing backpacks improperly suffer from compromised breathing and increased fatigue at significantly higher rates than students wearing their backpacks properly and with appropriate loads. In our great State of New Jersey, these ''weigh-ins'' are being conducted at nine locations throughout the State. By the end of the day, children all over America will be healthier and equipped with information about how to properly load and carry a backpack.

National School Backpack Awareness Day is a prime example of how occupational therapy works within our schools and communities to promote wellness and improve quality of life. I know today will be a success and ask my colleagues to join me in celebrating September 20, 2006, as National School Backpack Awareness Day.

ADDITIONAL STATEMENTS

STILLWATER MINING COMPANY

● Mr. BAUCUS. Mr. President, I once heard my home State of Montana described as a small town with long streets and I can't think of a more apt description. We are all neighbors, and one of our cardinal rules is if your neighbor needs help, lend a hand. Last month, as fires raged across our State, many of our neighbors needed a hand and Montanans from all over Big Sky country pitched into help. Among the first to help out was the Stillwater Mining Company.

As many are aware, the massive Derby Mountain Fire caused serious damage around Big Timber, MT. At one time the Derby Mountain Fire was the top priority fire in the country. When the communities around Big Timber needed help, the folks at the Stillwater Mining Company rolled up their sleeves and figured out how they could help.

The Stillwater Mining Company knew what a massive disaster the Derby Fire had become, and how those fighting the fire needed every pair of hands they could get. To get more boots on the ground, the Stillwater Mining Company provided full pay leave to all of their employees who volunteered to either fight the fire or to assist the fire crews. They paid for every meal that the Red Cross served at the Derby Fire. They sent their human resource staffers to the area to help manage the evacuations. Their computer mapping specialists helped to make highly sophisticated fire maps. They sent their own personal bulldozers to the fire lines. They sent their sprinkler systems to the front lines to saturate areas to protect homes. They also allowed helicopters to dip into their mining ponds. And all of this was done by the Stillwater Mining Company while at the same time they were forced to shut their mines down for 8 days due to the fire.

The Stillwater Mining Company saw a neighbor in need and without hesitation they lent a hand. I am proud to call them neighbor, and in Montana there is no higher compliment.●

IN MEMORY OF JULIANNE HAMMOND

● Mr. BIDEN. Mr. President, earlier this month, the Wilmington community lost Julianne Hammond—one of our most prominent lawyers and a good friend to my wife Jill.

She was the 28th woman ever admitted to practice law in Delaware and worked for 30 years in real estate finance and land use law, changing the landscape of our city with many redevelopment efforts.

Juli was a very outgoing, optimistic, happy person, who never let her illness get her down even as she battled breast cancer for 18 years. She literally worked until a week or so before she passed away, never talking about how sick she was.

She also was a very caring person and wanted to help others in their battles with cancer. That is how we got to know Juli. In 1994, she became a founding board member of the Biden Breast Health Initiative to help educate young women on the importance of breast self-exam and early detection. She would assist Jill with special events and raising funds, doing everything and anything to help others.

I don't know how she had the time and energy, but Juli also served as vice president of the board of the Wilmington Economic Development Corporation, a board member of the Land Use Committee for the Committee of 100, and secretary of the board of the Wellness Community of Delaware.

Wilmington and New Castle County will not be the same without Juli. I know my colleagues join Jill and me in extending our deepest sympathies to her family.

MONTANA'S HEROES

● Mr. BAUCUS. Mr. President, the great America poet Robert Frost once said that ''good fences make good neighbors.'' In my home State of Montana, nothing could be further from the truth. Although our State is more than 600 miles wide, and nearly 300 miles long, we really are one big small town. And when one of our neighbors is in need, we are always willing to roll up our sleeves and lend a helping hand.

During this year's fire season, many of our neighbors were in dire need as fires raged across our State. Nearly 1 million acres burned, an area larger than the State of Rhode Island. As homes, livestock, crops, and land burned, Montanans from one corner of the State to the other lost everything they had. But from this destruction and rubble, arose many Montana heroes, and I would like to take a moment to publicly recognize them.

On the front lines were all the brave wild land firefighters. These men and women came from all over the country, and even some foreign countries, to put their lives on the line for people they had never met. While it is easy to be a Monday morning quarterback and criticize some of their techniques, it is clear that these brave men and women deserve nothing but praise. When I visited the fires and I looked into the men and women's eyes after working 12 hour days in 100 degree heat, as they were so exhausted they could hardly stand, I knew that they had given everything their all, 110 percent, to protect Montanans. These men and women sought no praise or recognition, and whenever they were congratulated they would merely say, ''We're just doing our jobs.'' But these men and women weren't just doing a job; they were saving lives, protecting property, and nothing could be more heroic. Words cannot do their deeds justice but on behalf of every Montanan, I would like to offer my deepest thanks.

And these men and women couldn't have done their job without all the support from different people and agencies throughout the State. All the folks at the Department of Natural Resources and Conservation, the Montana Department of Emergency Services, the Bureau of Indian Affairs, the Park Service, the U.S. Fish and Wildlife Service, Montana State and local law enforcement, the local governments and county commissioners, volunteer fire departments, and the Northern Rockies Coordinating Group, which coordinated all these efforts, and their Federal partners. All these folks worked tirelessly to manage these blazes. Day or night they were constantly monitoring the fires, providing important updates, and making sure the people of the affected communities had every resource possible to deal with these disasters.

I would also like to recognize all the people who worked behind the scenes, the people whose names might not appear in the news, but without whose effort these fires couldn't have been contained. The busdrivers, the local volunteers, the food service providers, the pilots, the list could go on and on. Without these services, the damage to my home State would have been much worse.

Finally, I would like to thank all the Montanans who rolled up their sleeves, saw a neighbor in need, and helped out. Whether it was ranchers helping move livestock, community organizations and churches holding clothing drives, or people opening their homes to those who had nowhere to go, all these people truly exemplify the Montana spirit.

The 2006 fire season will go down in history as one of worst in our State's history. Yet it will also go down as a time when neighbors helped neighbors, when people traveled hundreds of miles to lend a hand to a friend. It will go down as a time of heroes.●

IN MEMORY OF ELLA LITTLE CROMWELL

● Mr. LIEBERMAN. Mr. President, it is with a heavy heart that I rise today in memory of Ella Little Cromwell, a truly remarkable woman from Hartford who passed away Sunday, September 17. Mrs. Cromwell was one of the most engaging and charismatic people I have ever had the pleasure to know. Through tireless effort, Ella Cromwell became a real political institution in Hartford, and was a leader in many efforts to promote justice and equal rights.

Mrs. Cromwell believed very deeply in the value of political participation and believed that it was essential for Americans from all backgrounds to become involved in the democratic process in order to reach their fullest potential. Growing up in Hartford, she saw that there were various obstacles preventing African Americans and other minorities from being involved in the political process, and she dedicated her life to helping people overcome those obstacles.

Through her hard work with both the Hartford Democratic Town Committee and the Hartford chapter of the National Association for the Advancement of Colored People, NAACP, of which she served as second vice president for many years, Mrs. Cromwell played an active role in helping African Americans develop a stronger voice in the city's politics. A master of both grassroots and retail politics, she was able to quickly increase her influence in Hartford politics, and helped to elect African-American candidates to local and State level offices. In many ways, her home in Hartford served as a kind of political club, where prospective candidates would come seeking her support and advice. It was well known that her support could be extremely helpful for any candidate.

Also, as a member of the Connecticut Democratic State Central Committee for 38 years, right up until her death, she made certain the interests of her community were represented at the State level as well. Almost every democratic candidate for statewide office would have to pay a visit to Ella Cromwell.

Rarely does an individual have such a meaningful and lasting effect on her community, but whether with the NAACP or the Democratic State Central Committee, Ella Cromwell never failed to touch the lives of the people around her. What is truly remarkable is the faith she continued to show in the power of the political process to effect change in her community, and the way in which she would continue to engage in the hard, sometimes thankless, work of grassroots campaigning even after she had achieved considerable political influence. Even at the age of 76 she would campaign door-to-door at the same brisk pace she had employed years earlier as young women first getting involved. Ella Cromwell truly embodied the democratic sprit upon which our country was founded.

With this in mind, I bid a sad farewell to Ella Little Cromwell, and I will keep her friends and family in my thoughts and prayers. May her commitment to the well-being of others continue to serve as an inspiration for all who knew her.●

CHIEF ROB STONE: IN MEMORIAM

● Mrs. BOXER. Mr. President, today I honor the memory of a dedicated public servant, battalion chief Rob Stone of the California Department of Forestry. From the time he became a seasonal firefighter at the age of 18, Chief Stone devoted his adult life to providing the citizens of California with safety and service. On September 6, 2006, while assessing a fire from the air and coordinating ground firefighting efforts, Chief Stone was tragically killed in the line of duty when the spotter plane crashed in the rugged forest of the Mountain Home State Park.

Upon graduation from high school, Chief Stone attended the California Department of Forestry Firefighting Academy to pursue his lifelong goal of becoming a firefighter. His prodigious talents were evident as Chief Stone moved in rank from firefighter to become one of the youngest engineers ever in the California Department of Forestry. He was then promoted to captain, and his most recent assignment was battalion chief of the Porterville Air Attack Base. Chief Stone's commitment to excellence, coupled with his passion for his profession, enabled him to become a model member of the California Department of Forestry. Chief Stone's colleagues shall always remember him for his leadership and commitment to his job.

Chief Stone is survived by his wife Randi, son Wil, and daughter Libbie; parents Cliff and Janet; sister Melissa Martin; brother Marty; and his grandmother Louise Lyons. When he was not on duty or spending time with his family, Chief Stone was an avid outdoorsman who enjoyed gathering cows, hunting, fishing, and camping. Chief Stone served the State of California with honor and distinction and fulfilled his oath as a firefighter. His contributions and dedication to firefighting are greatly appreciated and will serve as a shining example of his legacy.

We shall always be grateful for Chief Stone's exemplary service and the sacrifices he made while serving and protecting the people and the land that he loved.●

SIERRA OAKS SENIOR AND COMMUNITY CENTER

● Mrs. BOXER. Mr. President, today I wish to recognize and congratulate the Sierra Oaks Senior and Community Center for 20 years of dedicated service to the seniors in the communities of Tollhouse, Auberry, Shaver Lake, and Prather. Since opening their doors in 1986, this regional asset has made significant contributions to improving the lives of northeastern Fresno County's senior community and their families.

For the past two decades, the Sierra Oaks Senior and Community Center has provided a myriad of important social services and activities to help seniors live more independent and active lives. Whether it is providing free health assessments, offering classes in quilting, painting, and computers, or holding a stroke survivors support group, the center upholds the principle that seniors should be afforded the opportunity to live independently and thrive in their own communities. The dedicated staff and outstanding group of senior volunteers work diligently to ensure that those who are in need of their support are treated with the care and respect that they deserve. Through the center, many seniors have acquired invaluable tools to help them lead more active and enjoyable lives.

I congratulate the Sierra Oaks Senior and Community Center on its 20th anniversary and wish its staff, volunteers, and sponsors even greater success as they continue to provide important services to the seniors of Tollhouse, Auberry, Shaver Lake, and Prather. You have not only been a pillar of support for your clients, but you have performed a great service for the communities that you serve.

HONORING THE UNIVERSITY OF REDLANDS

● Mrs. BOXER. Mr. President, today I recognize the University of Redlands. This academic year, the university celebrates its 100 anniversary.

The University of Redlands was originally chartered in 1907 on a tract of donated land by individuals associated with the American Baptist Church. It admitted its first student in September 1909 and in 1910 proudly celebrated its first graduating class of three students. Throughout the next century, the University of Redlands has become a preeminent institution and today celebrates a century of contribution and service through education.

With today's growth in population, there is an ever-present strain on our Nation's university systems and the ability of students to receive meaningful direct contact with university faculty. The University of Redlands has successfully maintained personal instruction throughout the years and continues today to maintain a student to faculty ratio of 12 to 1. There are currently over 200 full-time faculty and a core of 200 adjunct faculty who are selected for their expertise and experience in their fields. Throughout these past 100 years, the university has also maintained a high level of faculty quality, with 88 percent of the full-time faculty holding a Ph.D. or terminal degree.

The University of Redlands has successfully met the ever-changing needs of a diverse population. Over one-third of the university's students are members of historically underrepresented groups, and the student body represents all corners of the world and draws students from across the United States. Most recently, the entering class of 2006 saw 40 percent of its students from outside of the State of California.

The university's success contributes significantly to the growth of the local community. Its faculty and staff make the University of Redlands one of the largest employers in the region, helping to maintain a strong local economy. In the past decade, the university

has invested over $140 million in its physical plant, employing many local craftsmen and laborers. In addition to investing in the local economy and construction, the university invests significantly in its students, with over $28 million of university funds budgeted for need-based, merit-based or talent-based awards. This contribution has produced an alumni which has made a lasting impact on America, with 45,000 alumni currently contributing to the betterment of society throughout the world.

The University of Redlands' commitment to community outreach is seen most noticeably in its students' service and contributions. Over 80,000 community service hours are provided annually by University of Redlands' students to help meet local, national and international needs. Meeting these needs has been a fundamental tenet in the university's educational philosophy for many years, as it was one of the first educational institutions in the Nation to require community service as a condition for graduation.

On its centennial, the University of Redlands looks back on a proud history of growth and contribution in inland California and the world. I applaud the service and dedication of the faculty, staff, and students of the University of Redlands as they celebrate 100 years of improving lives and education.●

TRIBUTE TO BRIAN UNITT

● Mrs. BOXER. Mr. President, today I wish to recognize inland southern California attorney Brian Unitt as he receives the San Bernardino County Bar Association's Florentino Garza Fortitude Award. Mr. Unitt is a community leader and an example to us all.

The Florentino Garza Award is given to exceptional individuals who overcome significant obstacles and achieve success in the legal field. This prestigious award takes its name from inland attorney Florentino Garza, who overcame a childhood as an orphan and a life as a migrant farmworker to graduate from college and law school and eventually gain prominence in the legal profession.

Today I recognize the exceptional work of Brian Unitt, who has overcome blindness to achieve outstanding success in the legal field. Brian Unitt was diagnosed with retinitis pigmentosa at a young age. This debilitating condition begins with a degeneration of cells in the eye's retina, producing reduced vision and eventual loss of sight.

Brian Unitt received his law degree from the University of California, Davis, in 1983. Throughout his undergraduate years and in law school, he took class notes in Braille using a slate and stylus, and he typed examinations using an electric typewriter. He passed the California State bar examination on his first attempt and began practicing law shortly thereafter in Riverside, CA. In 1996, Brian Unitt became partner at that same firm, now known as Holstein, Taylor, Unitt and Law.

As an attorney, Mr. Unitt practices personal injury law, focusing particularly on appellate work. His experience and dedication over the years has allowed him to be a tremendous advocate for injured individuals, assisting others who have suffered a physical loss. Other attorneys who have had the opportunity to know or work with Brian Unitt have described him as ''brilliant in his legal work,'' ''a true scholar of the law,'' ''a superb lawyer,'' ''a wonderful, wonderful, brilliant plaintiff's attorney,'' and ''civil, professional, and ethical.''

Today I salute the life and service of Brian Unitt. His life story is a true portrayal of a man who overcame tremendous physical adversity to assist others in their battle with physical adversity. I applaud Brian Unitt and look forward to what I hope will be many years of service to the people of inland California. Please join me in honoring a true hero.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 5295. An act to protect students and teachers.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 210. Concurrent resolution supporting the goal of eliminating suffering and death due to cancer by the year 2015.

H. Con. Res. 317. Concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes.

H. Con. Res. 386. Concurrent resolution honoring Mary Eliza Mahoney, America's first professional trained African-American nurse.

H. Con. Res. 415. Concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

H. Con. Res. 419. Concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Commerce, Science, and Transportation.

H.R. 5295. An act to protect students and teachers; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 210. Concurrent resolution supporting the goal of eliminating suffering and death due to cancer by the year 2015; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 386. Concurrent resolution honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 415. Concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on Foreign Relations.

H. Con. Res. 419. Concurrent resolution recognizing and supporting the efforts of the State of New York develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 2912. A bill to establish the Great Lakes Interagency Task Force, to establish the Great Lakes Regional Collaboration, and for other purposes (Rept. No. 109–338).

S. 3551. A bill to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish

Technology Center to the State of Pennsylvania (Rept. No. 109–339).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 3617. A bill to reauthorize the North American Wetlands Conservation Act (Rept. No. 109–340).

H.R. 5061. A bill to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia (Rept. No. 109–341).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

H.R. 854. A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe (Rept. No. 109–342).

By Mr. MCCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1535. A bill to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes (Rept. No. 109–343).

S. 374. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River (Rept. No. 109–344).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108–23: Extradition Treaty with Great Britain and Northern Ireland with 1 understanding, 2 declarations and 3 provisos (Ex. Rept. 109–19)]

THE TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION IS AS FOLLOWS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understanding, Declarations, and Provisos.

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (hereinafter in this resolution referred to as the ''Treaty'') (Treaty Doc. 108–23), subject to the understanding in section 2, the declarations in section 3, and the provisos in section 4.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding:

Under United States law, a United States judge makes a certification of extraditability of a fugitive to the Secretary of State. In the process of making such certification, a United States judge also makes determinations regarding the application of the political offense exception. Accordingly, the United States of America understands that the statement in paragraphs 3 and 4 of Article 4 that ''in the United States, the executive branch is the competent authority for the purposes of this Article'' applies only to those specific paragraphs of Article 4, and does not alter or affect the role of the United States judiciary in making certifications of extraditability or determinations of the application of the political offense exception.

Section 3. Declarations.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States.

(2) The Treaty shall be implemented by the United States in accordance with the Constitution of the United States and relevant federal law, including the requirement of a judicial determination of extraditability that is set forth in Title 18 of the United States Code.

Section 4. Provisos.

The advice and consent of the Senate under section 1 is subject to the following provisos:

(1)(A) The Senate is aware that concerns have been expressed that the purpose of the Treaty is to seek the extradition of individuals involved in offenses relating to the conflict in Northern Ireland prior to the Belfast Agreement of April 10, 1998. The Senate understands that the purpose of the Treaty is to strengthen law enforcement cooperation between the United States and the United Kingdom by modernizing the extradition process for all serious offenses and that the Treaty is not intended to reopen issues addressed in the Belfast Agreement, or to impede any further efforts to resolve the conflict in Northern Ireland.

(B) Accordingly, the Senate notes with approval—

(i) the statement of the United Kingdom Secretary of State for Northern Ireland, made on September 29, 2000, that the United Kingdom does not intend to seek the extradition of individuals who appear to qualify for early release under the Belfast Agreement;

(ii) the letter from the United Kingdom Home Secretary to the United States Attorney General in March 2006, emphasizing that the ''new treaty does not change this position in any way,'' and making clear that the United Kingdom ''want[s] to address the anomalous position of those suspected but not yet convicted of terrorism-related offences committed before the Belfast Agreement''; and

(iii) that these policies were reconfirmed in an exchange of letters between the United Kingdom Secretary of State for Northern Ireland and the United States Attorney General in September 2006.

(2) The Senate notes that, as in other recent United States extradition treaties, the Treaty does not address the situation where the fugitive is sought for trial on an offense for which he had previously been acquitted in the Requesting State. The Senate further notes that a United Kingdom domestic law may allow for the retrial in the United Kingdom, in certain limited circumstances, of an individual who has previously been tried and acquitted in that country. In this regard, the Senate understands that under U.S. law and practice a person sought for extradition can present a claim to the Secretary of State that an aspect of foreign law that may permit retrial may result in an unfairness that the Secretary could conclude warrants denial of the extradition request. The Senate urges the Secretary of State to review carefully any such claims made involving a request for extradition that implicates this provision of United Kingdom domestic law.

(3) Not later than one year after entry into force of the Treaty, and annually thereafter for a period of four additional years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate a report setting forth the following information with respect to the implementation of the Treaty in the previous twelve months:

(A) the number of persons arrested in the United States pursuant to requests from the United Kingdom under the Treaty, including the number of persons subject to provisional arrest; and a summary description of the alleged conduct for which the United Kingdom is seeking extradition;

(B) the number of extradition requests granted; and the number of extradition requests denied, including whether the request was denied as a result of a judicial decision or a decision of the Secretary of State;

(C) the number of instances the person sought for extradition made a claim to the Secretary of State of political motivation, unjustifiable delay, or retrial after acquittal and whether such extradition requests were denied or granted; and

(D) the number of instances the Secretary granted a request under Article 18(1)(c).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2010.

*Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

*Peter W. Tredick, of California, to be a Member of the National Mediation Board for a term expiring July 1, 2007.

*Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010.

*Roger L. Hunt, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.

*John E. Kidde, of California, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011.

*Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009.

*Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

*Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor.

*Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

*Lauren M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education.

Mr. ENZI. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Public Health Service nominations beginning with Judith Louise Bader and ending with Raquel Antonia Peat, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2006.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 3914. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. JOHNSON):

S. 3915. A bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medical program with access to comprehensive tobacco cessation services; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. HAGEL):

S. Res. 575. A resolution supporting the efforts of the Independent National Electoral Commission of the Government of Nigeria, political parties, civil society, and religious organizations to facilitate the first democratic transition of Nigeria from 1 civilian government to another in the general elections to be held in April 2007; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. STEVENS, Mr. TALENT, Mr. FRIST, Mr. DEWINE, Mr. INOUYE, Mr. PRYOR, Mr. SALAZAR, Mr. SCHUMER, Ms. SNOWE, Mr. VITTER, and Mr. BURNS):

S. Res. 576. A resolution supporting the goals of Red Ribbon Week; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BYRD):

S. Res. 577. A resolution designating September 24, 2006, as ''National Good Neighbor Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 246

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 930

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 965

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1376

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1687

At the request of Ms. MIKULSKI, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. SCHUMER), the Senator from Virginia (Mr. WARNER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1915

At the request of Mr. ENSIGN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3707

At the request of Mr. LOTT, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 3707, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3771

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations

for the health centers program under section 330 of such Act.

S. 3882

At the request of Mr. KYL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3882, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. CON. RES. 116

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. Con. Res. 116, a concurrent resolution supporting ''Lights On Afterschool!'', a national celebration of after school programs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 3914. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Gestational Diabetes Act of 2006 to bring attention to an important health issue facing women and children.

I don't need to tell anyone that we have an obesity epidemic in the United States. Too many in our country don't know that eating poorly and not taking care of themselves can have significant health impacts. For women, these health issues can become especially significant during pregnancy.

Women who are overweight or obese are more likely to have a C-section and are at an increased risk for serious complications with their pregnancy. And more women then ever are entering their pregnancies overweight which can also trigger gestational diabetes.

In New York, gestational diabetes has risen by nearly 50 percent in about 10 years. In New York City alone, gestational diabetes affects 1 in 25 women, about 400 women per month. Gestational diabetes affects between 4 and 8 percent of pregnant women in the United States. Infants of women who have gestational diabetes are at increased risk for obesity and developing Type 2 diabetes as adolescents or adults.

As women we need to pay attention to our health. We are always worrying about the health of our children, our husbands, and our parents. But we often forget to take care of ourselves.

Prevention is critical and I applaud new initiatives from the New York City Department of Health to increase efforts to inform women about gestational diabetes and behaviors that can prevent Type 2 Diabetes.

Today, I am introducing the Gestational Diabetes Act, also known as the GEDI Act. This legislation will increase our understanding by determining the factors that contribute to this condition and help mothers who had gestational diabetes reduce their risk of developing Type 2 diabetes.

This Act will provide funding for projects to assist health care providers and communities find ways to reach out to women so that they understand how their health during pregnancy will impact not only their child's health, but also their own.

The GEDI Act would expand research to determine and develop interventions that will lower the incidence of gestational diabetes. We need to alert women to the risk before this condition becomes an epidemic.

We should be doing everything we can to address the growing prevalence of gestational diabetes and obesity during pregnancy. The GEDI Act is an important step in assuring that women understand this critical issue.

The GEDI Act is supported by: American Association of Colleges of Pharmacy, American Association of Diabetes Educators, American Diabetes Association, American Dietetic Association, American College of Obstetricians and Gynecologists, Association of Asian Pacific Community Health Organizations, Association of Women's Health, Obstetric and Neonatal Nurses, Breastfeeding Coalition of Washington, Breastfeeding Task Force of Greater Los Angeles, Global Alliance for Women's Health, International Community Health Services, National Association of Chronic Disease Directors, National Research Center for Women & Families, Society for Women's Health Research, WithinReach, and Women's Health Council of the National Association of Chronic Disease Directors.

I ask unanimous consent letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN ASSOCIATION
OF COLLEGES OF PHARMACY,
Alexandria, VA, August 9, 2006.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of America's 92 accredited colleges and schools of pharmacy let me personally thank you for your concern for the nearly 21 million children and adults with diabetes. The American Association of Colleges of Pharmacy (AACP) supports your introduction of legislation focused on an important cohort of individuals at risk for contracting diabetes—pregnant women.

The Gestational Diabetes Act will bring greater attention to a public health problem that left unchecked will overwhelm our society. Coupled with the growing incidence of obesity, gestational onset diabetes requires new, unique approaches and interventions that your legislation can help stimulate.

We know that pharmacists are effective in helping diabetic patients improve their health outcomes through self-management programs. These community-based providers have been effective in working with the greater public health community to increase the awareness of pregnant women of the need to increase their intake of folic acid to reduce the incidence of neural tube defects in newborns. Colleges and schools of pharmacy are actively engaged in working with communities to reduce the incidence of public health threats and creating novel health promotion and wellness programs. We encourage you to utilize this significant resource as your legislation continues its way through the Congress and on to final passage.

Thank you for your attention to an important public health threat. We look forward to working with you to improve the health of pregnant women by reducing their risk for gestational diabetes.

Sincerely,

WILLIAM G. LANG IV, MPH,
VP Policy and Advocacy.

AMERICAN ASSOCIATION
OF DIABETES EDUCATORS,
August 8, 2006.

Senator HILLARY RODHAM CLINTON,
Russel Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Association of Diabetes Educators, I would like to thank you for the introduction of the Gestational Diabetes Act.

The American Association of Diabetes Educators (AADE) is a multi-disciplinary professional membership organization dedicated to advancing the practice of diabetes self-management training and care as integral components of health care for persons with diabetes, and lifestyle management for prevention of diabetes. Our members include nurses, dietitians, pharmacists, physicians, social workers, exercise physiologists and other members of the diabetes teaching team.

Given the growing prevalence of diabetes in all populations, steps taken now will not only address the need to lower the incidence of gestational diabetes but prevent women with this condition and their children from developing Type 2 diabetes.

As an organization dedicated to improving the health and lives of people with diabetes, AADE appreciates your leadership on this important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

Sincerely,

MALINDA PEEPLES, RN, MS, CDE,
President.

AMERICAN DIABETES ASSOCIATION,
Alexandria, VA, August 3, 2006.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Today, almost 21 million children and adults in America have diabetes—including 9.7 million women—and almost one third of them do not know it. On behalf of all Americans living with diabetes in our country, I would like to thank you for the introduction of the Gestational Diabetes Act. The American Diabetes Association enthusiastically supports this important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

Gestational diabetes develops in 4–8% of all pregnancies, with the prevalence increasing up to 10% in some populations. Women who have had gestational diabetes or have given birth to a baby weighing more than 9 pounds are at a dramatically increased risk for developing type 2 diabetes later in life. The

Gestational Diabetes Act will allow for better data collection and expand the resources available to fight this dangerous disease. By setting up a national grant program, communities will be able to determine the most efficient and customized approaches to prevent, diagnose and treat gestational diabetes on the local level. Additionally, grants can be used by state-based diabetes prevention and control programs to collect and analyze surveillance data on women with and at risk for gestational diabetes, among other purposes. These components are crucial to stemming the tide of gestational diabetes in America, and lowering the overall incidence of diabetes in this country.

Every 24 hours, Americans pay a horrific price to diabetes: 4100 people are diagnosed with the disease, there are 230 amputations in people with diabetes, 120 people will enter end-stage kidney disease programs, and 55 people will go blind. During this same time period, there will be 613 deaths due to this epidemic. The American Diabetes Association believes that if we are to truly make strides against this devastating disease, we must improve treatment and research on the communities most impacted by diabetes.

The Association applauds your efforts on behalf of Americans with diabetes. We look forward to working with you toward the passage of the Gestational Diabetes Act and other legislation critical to Americans with diabetes.

Sincerely,

L. HUNTER LIMBAUGH,
Chair, National Advocacy Committee.

AMERICAN DIETETIC ASSOCIATION,
Washington, DC, September 8, 2006.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the 65,000 registered dietitians who are members of the American Dietetic Association (ADA), we thank you for your leadership in introducing the Gestational Diabetes Act. While gestational diabetes is one of pregnancy's most common complications, the associated risks for mothers with GDM and their children are startling. In the United States, maternal obesity also is a concern and increases the risk of gestational diabetes, cesarean deliveries, and complications during delivery, macrosomia, congenital defects and childhood obesity. ADA has been in the forefront of this issue by developing evidence-based Nutrition Practice Guidelines for Gestational Diabetes Mellitus.

It is the position of the American Dietetic Association that women of childbearing potential should maintain good nutritional status through a lifestyle that optimizes maternal health and reduces the risk of birth defects, suboptimal fetal development, and chronic health problems in their children. The key components of a health promoting lifestyle during pregnancy include appropriate weight gain; consumption of a variety of foods in accordance with the Food Guide Pyramid; appropriate and timely vitamin and mineral supplementation; avoidance of alcohol, tobacco, and other harmful substances; and safe food-handling.

Women have specific nutritional needs and vulnerabilities and, as such, are at unique risk for various nutrition-related diseases and conditions. Therefore, ADA strongly supports research, health promotion activities, health services, and advocacy efforts that will enable women to adopt desirable nutrition practices for optimal health. Women are at risk for numerous chronic diseases and conditions that affect the duration and quality of their lives. Although women's health-related issues are multifaceted, nutrition has been shown to influence significantly the risk of chronic disease and to assist in maintaining optimal health status.

The American Dietetic Association strongly supports your efforts to create a Research Advisory Committee within CDC to address problems associated with gestational diabetes. Registered dietitians can play a unique role in providing medical nutrition therapy for pregnant women with inappropriate weight gain. As a result, ADA would like to work with you in ensuring that a qualified registered dietitian serves on the committee.

Sincerely,

RONALD E. SMITH,
Director of Government Relations.

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 4, 2006.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON, On behalf of the American College of Obstetricians and Gynecologists (ACOG), 51,000 physicians and partners in women's health care, we are pleased to support the GEstational DIabetes (GEDI) Act of 2006. This legislation would provide research, monitoring, screening and training for health care providers on gestational diabetes.

Gestational diabetes mellitus (GDM) is one of the most common clinical issues facing obstetricians and their patients. A lack of data from well-designed studies has contributed to the controversy surrounding the diagnosis and management of this condition. The GEDI Act of 2006 would provide critical funding for research and community education on this important issue. Because of the expertise and solid scientific evidence we have to contribute, we urge you to ensure ACOG's participation on the advisory committee created by this legislation.

Gestational diabetes affects 4 to 8 percent, approximately 135,000, of all pregnant women in the United States each year. The increase in obesity in the U.S. has raised the prevalence of gestational diabetes resulting in significant health consequences, including increased risk for developing Type 2 diabetes. This legislation could help reverse these negative trends.

Thank you for your continued leadership on women's health care issues and we are pleased to work with you to ensure enactment of this legislation of vital importance to women and babies. Should you have any questions, please contact Krysta Jones, of ACOG's Government Affairs staff.

Sincerely,

DOUGLAS W. LAUBE,
President.

ASSOCIATION OF ASIAN PACIFIC COMMUNITY HEALTH ORGANIZATIONS,
Oakland, CA, August 7, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON, On behalf of the Association of Asian Pacific Community Health Organizations (AAPCHO), I would like to thank you and express our support for the Gestational Diabetes (GEDI) Act of 2006.

AAPCHO is a non-profit national association of community health organizations. Our mission is to promote advocacy, collaboration and leadership that improves the health status and access of Asian Americans, Native Hawaiians and Pacific Islanders within the U.S. and its territories and freely associated states, primarily through our member community health centers.

Diabetes is a serious chronic condition among Asian Americans and Pacific Islanders (AAPIs). For FY 2003, AAPCHO member centers, serving primarily AAPIs, reported an average diabetes incidence rate of 11 per 1000 patients, far above the Healthy People 2010 target rate of 2.5 per 1000 patients. The Gestational Diabetes Act will improve treatment and research in the AAPI community.

We appreciate your efforts and look forward to working with you to improve the health status of AAPIs with diabetes through the GEDI Act and other legislation concerning diabetes. Please contact me if you have any questions or would like additional information.

Sincerely,

JEFFREY CABALLERO,
Executive Director.

BREASTFEEDING TASK FORCE OF GREATER LOS ANGELES,
Redondo Beach, CA, August 14, 2006.

Sen. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Board of Directors of the Breastfeeding Task Force of Greater Los Angeles, I am writing to pledge our support of the Gestational Diabetes Act and urge the inclusion of breastfeeding in the research and treatment components. Gestational diabetes develops in 4 to 8 percent of all pregnancies, with the prevalence increasing up to 10 percent in some populations. Women who have gestational diabetes are at a dramatically increased risk for developing Type 2 diabetes later in life.

We support this legislation because it aims to lower the incidence of gestational diabetes and prevent women afflicted with this condition and their children from developing Type 2 diabetes. Research shows that lactation improves maternal glucose homeostasis, thus delaying or reducing the mother's risk of developing Type 2 diabetes. Babies born to mothers with gestational diabetes are at great risk for developing diabetes later in life. When these babies are breastfed, their risk is reduced.

In Los Angeles County, approximately 10,000 women are afflicted with gestational diabetes each year. The Breastfeeding Task Force of Greater Los Angeles believes that if we are to improve the lives of these women, we must support and protect breastfeeding in the communities most impacted by diabetes. The Gestational Diabetes Act will improve data collection and expand resources available for prevention, diagnosis and treatment. These activities are critical to battling gestational diabetes in America.

The Breastfeeding Task Force of Greater Los Angeles thanks you for your efforts on behalf of the mothers affected by gestational diabetes and their babies. We look forward to working with you toward the passage of the Gestational Diabetes Act and other legislation critical to mothers and babies.

Sincerely,

KAREN PETERS,
Executive Director.

AWHONN,
Washington, DC, August 8, 2006.

Senator HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN) would like to thank you for introducing the Gestational Diabetes Act. AWHONN is a national membership organization of 22,000 nurses, and it is our mission to promote the health and well-being of women and newborns. Our members are staff nurses, nurse practitioners, certified nurse-midwives, and clinical nurse specialists who work in hospitals, physicians' offices, universities, and community clinics throughout the United States. AWHONN supports this

important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

As you know, almost 21 million Americans have diabetes including 9.7 million women. Gestational diabetes develops in 4 to 8 percent of all pregnancies with the prevalence rate reaching up to 10 percent in some populations according to the American Diabetes Association. Significant negative health impacts exist for women during and after pregnancy and for infants as a result of gestational diabetes. For example, women and infants run a higher risk for developing Type 2 diabetes in their lifetimes; pregnant women are at risk for preeclampsia; and, newborns at risk for having low blood sugar and severe jaundice.

The Gestational Diabetes Act seeks to establish a Research Advisory Committee that will develop multi-site gestational diabetes research projects to expand and enhance monitoring of gestational diabetes by standardizing procedures for accurate data collection and identifications of this disorder. In addition, the bill allows for demonstration grant programs that are focused on the reduction of the incidence rate of gestational diabetes. Finally, the bill calls for an expansion on current research at the Centers for Disease Control and the National Institutes of Health.

AWHONN applauds your leadership on this issue, and we support the introduction of the Gestational Diabetes Act. We look forward to working with you towards the passage of this legislation that is critical for improving the research on and treatment of gestational diabetes, which ultimately affects the health and well-being of both women and newborns throughout their lifespan.

Sincerely,

MELINDA M. RAY,
Director, Public Affairs.

GLOBAL ALLIANCE
FOR WOMEN'S HEALTH,
New York, NY, August 9, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR CLINTON. The Global Alliance for Women's Health endorses the National Public Health Initiative on Diabetes and Women's Health. It addresses an important and underattended aspect of women's health. The passage and implementation of this initiative will significantly advance the health of American women and will undoubtedly provide guidance for those of us working to advance the health of women worldwide.

Sincerely,

ELAINE M. WOLFSON,
President.

INTERNATIONAL COMMUNITY
HEALTH SERVICES,
Washington, DC, August 8, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: International Community Health Services (ICHS) applauds your efforts in raising awareness and support for gestational diabetes research and prevention. ICHS supports the introduction and passage of the Gestational Diabetes Act.

ICHS is currently a member of the REACH diabetes coalition, a CDC program which provides funding for outreach and education to minority populations, but is limited to people 40 years and older. We serve 15,000 patients speaking 35 languages with the majority being women in their childbearing years who are disproportionately affected by diabetes. In our 2006 community needs assessment diabetes was identified by doctors and community members as one of the highest concerns. Due to this disproportionate affect and community concern, our clinics offer special services for patients with diabetes. Additionally preventing diabetes from developing and mitigating the harmful effects falls in line with the Healthy People 2010 objectives.

Thank you for taking the lead on the important issue of gestational diabetes. With growing rates of obesity and women becoming mothers later in life, this is a crucial time to take action and provide funding for further research.

ICHS is proud to support the Gestational Diabetes Act and we commend Senator Clinton for introducing the legislation.

Sincerely,

TERESITA BATAYOLA,
Executive Director.

NATIONAL ASSOCIATION OF
CHRONIC DISEASE DIRECTORS,
Washington, DC, August 7, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Today, almost 21 million children and adults in America have diabetes—including 9.7 million women—and almost one-third of them do not know it. On behalf of all Americans living with diabetes in our country, I would like to thank you for the introduction of the Gestational Diabetes Act. The National Association of Chronic Disease Directors (NACDD), a membership organization of program directors and staff in every state and territorial health department, enthusiastically supports this important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

Gestational diabetes develops in 4–8 percent of all pregnancies, with the prevalence increasing up to 10 percent in some populations. Women who have had gestational diabetes or have given birth to a baby weighing more than 9 pounds are at a dramatically increased risk for developing type 2 diabetes later in life. The Gestational Diabetes Act will allow for better data collection and expand the resources available to fight this dangerous disease. Creating a national program will allow states to determine the most efficient and customized approach to prevent, diagnose and treat gestational diabetes at the local level. Additionally, grants can be used by state-based diabetes prevention and control programs to collect and analyze surveillance data on women with and at risk for gestational diabetes. These components are crucial to stemming the tide of gestational diabetes in America and lowering the overall incidence of diabetes in this country.

Every 24 hours, Americans pay a horrific price to diabetes: 4,100 people are diagnosed with the disease, there are 230 amputations in people with diabetes, 120 people will enter end-stage kidney disease programs, and 55 people will go blind. During this same time period, there will be 613 deaths due to this epidemic. The National Association of Chronic Disease Directors believes that if we are to truly make strides against this devastating disease, we must improve prevention and control in the communities most impacted by diabetes.

NACDD applauds your efforts on behalf of Americans with diabetes. We look forward to working with you toward the passage of the Gestational Diabetes Act and other legislation critical to Americans with diabetes.

Sincerely,

DAVID P. HOFFMAN,
Chair, Legislative and Policy Committee.

NATIONAL RESEARCH CENTER
FOR WOMEN & FAMILIES,
Washington, DC, September 12, 2006.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The National Research Center for Women & Families applauds your leadership in introducing the ''GEstational DIabetes (GEDI) Act of 2006''.

We share your concern that gestational diabetes is associated with potentially serious health problems for the mother and child during and after childbirth. Gestational diabetes increases a mother and child's risk for developing Type 2 diabetes. With 135,000 women per year being diagnosed with gestational diabetes and that number steadily increasing, it is necessary to better understand the disease and to prevent the development of Type 2 diabetes. Data collection and monitoring gestational diabetes and obesity during pregnancy are essential first steps. The GEDI Act's data systems, demonstration grants, and research expansion will all aid in lowering the incidence of gestational diabetes and will help prevent Type 2 diabetes.

Thank you again for your vision and leadership in drawing attention to this and many other important health issues.

Sincerely,

DIANA M. ZUCKERMAN,
President.

SOCIETY FOR WOMEN'S
HEALTH RESEARCH,
Washington, DC, August 11, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Today, almost 21 million children and adults in America have diabetes, including 9.7 million women. Gestational diabetes develops in 4–8 percent of all pregnancies, with the prevalence increasing up to 10 percent in some populations. On behalf of all Americans living with diabetes in our country, the Society for Women's Health Research (SWHR) thanks you for the introduction of the Gestational Diabetes Act.

As the nation's only advocacy organization committed to improving the health of all women through research, the Society supports this important legislation, with its focus on learning more about treatment and prevention of gestational diabetes through research. The Gestational Diabetes Act will allow for better data collection and to analyze surveillance data on women with and at risk for gestational diabetes, among other purposes. These components are crucial to stemming the tide of gestational diabetes in America, and lowering the overall incidence of diabetes in this country.

Thank you for your leadership and your support of women's health research.

Sincerely,

PHYLLIS GREENBERGER,
President & CEO.
MARTHA NOLAN,
Vice President, Public Policy.

WITHINREACH,
Seattle, WA, August 9, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Thank you for the introduction of the Gestational Diabetes Act. WithinReach (formerly Healthy Mothers, Healthy Babies Coalition of Washington State) and the Breastfeeding Coalition of Washington State (a program of WithinReach) enthusiastically support this legislation and the need for Americans to better understand and reduce the incidence of gestational diabetes.

You may not be aware of the connection between early nutrition and its impact on diabetes. Specifically, not breastfeeding increases the risk of diabetes (in both infant and mother). A review of the literature by Schaefer-Graf et al, demonstrate that among children of women who have GDM, having been breast fed for over 3 months is negatively associated with being overweight in early childhood. In this group, the risk of childhood overweight was reduced by 40–50 percent. The effect was most pronounced when the mother was obese.

Breastfeeding mothers provide their children with a lower risk of infection and chronic diseases. There is a clear dose-response relationship between duration of breastfeeding and the extent of risk reduction. Breastfeeding improves the health of infants and mothers and can result in cost savings for parents, insurers, employers, and society. The medical and economic value of breast feeding is high. Support from employers, health insurers, health providers, and society are required to reach the goals set forth in Healthy People 2010 including 75 percent of mothers initiating breastfeeding, 50 percent of infants receiving breastmilk at 6 months, and 25 percent of infants breastfeeding at 1 year of age.

Most women want to breastfeed and deserve our help in fulfilling their goals, including providing them societal support and sparing them societal experiences that make it difficult to succeed. The GeDi Act and an increased rate of breast feeding will proactively improve the health of Americans, as well as decrease diabetes and its related illnesses and medical costs.

WithinReach and the Breastfeeding Coalition of Washington State applaud your efforts and ask that you ensure the important health and economic connection between breast feeding and diabetes is made.

Sincerely,

GINNY ENGLISH,
Executive Director, WithinReach.
KIMBERLY RADTKE,
Coordinator, Breastfeeding Coalition of Washington.

NATIONAL ASSOCIATION OF CHRONIC DISEASE DIRECTORS,
Washington, DC, August 8, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Current national behavioral health statistics reveal that 7.2 percent of U.S. women 18 years of age and older have diabetes. This number is underestimated due to 30 percent of women who have diabetes have not been diagnosed. Of the women surveyed, 1.6 percent states that their diabetes was pregnancy related or Gestational diabetes. Gestational diabetes occurs in 4–8 percent of pregnancies and places both the woman and her infant at greater risk for developing type 2 diabetes and is associated with health problems for both woman and child during the pregnancy and childbirth. With the increasing rise in obesity, the prevalence of gestational diabetes is also rising, however genetics, ethnicity, and maternal age are risk factors for the disease. Over the last several decades, the science of diagnosing and treating Gestational Diabetes advanced, but additional research is needed to understand the complex interrelationships of obesity, genetics, ethnicity and diabetes in women.

Women and diabetes are major priorities of the Women's Health Council of the National Association of Chronic Disease Directors. The Council is currently studying the issues surrounding diabetes and young women through the ''Pregnancy Risk Assessment Surveillance System. The Council supports your proposed legislation as the legislation further enhances the science of diabetes and its impact on women. Also, the Women's Health Council serves as an active member of the National Public Health Initiative on Diabetes and Women's Health and this proposed legislation furthers the objectives of this Initiative.

The Gestational Diabetes Act creates a Research Advisory Committee headed by the CDC and includes representatives of federal agencies, and health organizations to develop demonstration grants funding multisite gestational diabetes research projects to expand and enhance monitoring of gestational diabetes by standardizing procedures for accurate data collection and identifying this disorder. This bill also tracks mothers who had gestational diabetes and develop methods to prevent their development of Type 2 diabetes.

Thank you for developing policy that supports women and their health status.

Sincerely,

ADELINE YERKES,
Chairperson, Women's Health Council.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 575—SUPPORTING THE EFFORTS OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION OF THE GOVERNMENT OF NIGERIA, POLITICAL PARTIES, CIVIL SOCIETY, AND RELIGIOUS ORGANIZATIONS TO FACILITATE THE FIRST DEMOCRATIC TRANSITION OF NIGERIA FROM 1 CIVILIAN GOVERNMENT TO ANOTHER IN THE GENERAL ELECTIONS TO BE HELD IN APRIL 2007

Mr. FEINGOLD (for himself and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 575

Whereas the United States maintains strong and friendly relations with Nigeria and values the leadership role that the United States plays throughout the continent of Africa, particularly in the establishment of the New Partnership for African Development and the African Union;

Whereas Nigeria is an important strategic partner with the United States in combating terrorism, promoting regional stability, and improving energy security;

Whereas Nigeria is a leading contributor to global peacekeeping efforts, including operations in Lebanon, Yugoslavia, Kuwait, the Democratic Republic of Congo, Somalia, Rwanda, and Sudan;

Whereas past corruption and poor governance have resulted in weak political institutions, crumbling infrastructure, a feeble economy, and an impoverished population;

Whereas political aspirants and the democratic process of Nigeria are being threatened by increasing politically-motivated violence, including the assassination of 3 gubernatorial candidates in different states during the previous 2 months; and

Whereas the Chairperson of the Independent National Electoral Commission has—

(1) announced that governorship and state assembly elections will be held on April 14, 2007;

(2) stated that votes for the president and national assembly will take place on April 21, 2007; and

(3) vowed to organize free and fair elections to facilitate a smooth democratic transition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Nigeria as a strategic partner and long-time friend of the United States;

(2) acknowledges the rising prominence of Nigeria as a leader and role model throughout the region and continent;

(3) commends the decision of the National Assembly of Nigeria to reject an amendment to the constitution that would have allowed for a third presidential term;

(4) encourages the Government of Nigeria and the Independent National Electoral Commission to demonstrate a commitment to successful democratic elections by—

(A) developing an aggressive plan for voter registration and education;

(B) addressing charges of past or intended corruption in a transparent manner; and

(C) conducting objective and unbiased recruitment and training of election officials;

(5) urges the Government of Nigeria to respect the freedoms of association and assembly, including the right of candidates, members of political parties, and others—

(A) to freely assemble;

(B) to organize and conduct public events; and

(C) to exercise those and other rights in a manner free from intimidation or harassment;

(6) urges a robust effort by the law enforcement and judicial officials of Nigeria to enforce the rule of law, particularly by—

(A) preventing and investigating politically-motivated violence; and

(B) prosecuting those suspected of such acts;

(7) urges—

(A) President Bush to ensure that the United States supports the Government of Nigeria in that regard; and

(B) the Government of Nigeria to actively seek the support of the international community for democratic, free, and fair elections in April 2007; and

(8) expresses the support of the United States for coordinated efforts by the Government of Nigeria and the Independent National Electoral Commission to work with political parties, civil society, religious organizations, and other entities to organize a peaceful political transition based on free and fair elections in April 2007 to further consolidate the democracy of Nigeria.

SENATE RESOLUTION 576—SUPPORTING THE GOALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. STEVENS, Mr. TALENT, Mr. FRIST, Mr. DEWINE, Mr. INOUYE, Mr. PRYOR, Mr. SALAZAR, Mr. SCHUMER, Ms. SNOWE, Mr. VITTER, and Mr. BURNS) submitted the following resolution; which was considered and agreed to:

S. RES. 576

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique ''Kiki'' Camarena, a special agent of

the Drug Enforcement Administration who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twenty-first year of celebration to help preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug and alcohol abuse places the lives of children at risk and contributes to domestic violence and sexual assaults;

Whereas drug abuse is one of the major challenges that the citizens of the United States face in securing a safe and healthy future for the families and children of our Nation;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse and the abuse of inhalants and prescription drugs, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages all people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

SENATE RESOLUTION 577—DESIGNATING SEPTEMBER 24, 2006, AS ''NATIONAL GOOD NEIGHBOR DAY''

Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 577

Whereas our society has developed highly effective means of speedy communication around the world, but has failed to ensure meaningful communication among people living across the globe, or even across the street, from one another;

Whereas the endurance of human values and consideration for others are critical to the survival of civilization; and

Whereas being good neighbors to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2006, as ''National Good Neighbor Day''; and

(2) calls on the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5021. Mrs. FEINSTEIN (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table.

SA 5022. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5023. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5024. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, to reauthorize the safe and stable families program, and for other purposes.

SA 5025. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, supra.

TEXT OF AMENDMENTS

SA 5021. Mrs. FEINSTEIN (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE II—AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2006'' or the ''AgJOBS Act of 2006''.

SEC. 202. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term ''blue card status'' means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 211(a).

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) JOB OPPORTUNITY.—The term ''job opportunity'' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(6) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(7) TEMPORARY.—A worker is employed on a ''temporary'' basis where the employment is intended not to exceed 10 months.

(8) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(9) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

Subtitle A—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 211. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2); and

(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this title that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(IV) fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted permanent resident status under subsection (c).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(bb) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subclause (I) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this

subsection, the alien shall establish the payment of any applicable Federal tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term ''applicable Federal tax liability'' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this title as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(ii) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly

related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this section, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

SEC. 212. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—REFORM OF H–2A WORKER PROGRAM

SEC. 221. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

''SEC. 218. H–2A EMPLOYER APPLICATIONS.

''(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A and 218B.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the

date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

''SEC. 218A. H–2A EMPLOYMENT REQUIREMENTS.

''(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to

this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

''(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(II) 4 percent.

''(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

''(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(II) 4 percent.

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

''(i) the worker's total earnings for the pay period;

''(ii) the worker's hourly rate of pay, piece rate of pay, or both;

''(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

''(iv) the hours actually worked by the worker;

''(v) an itemization of the deductions made from the worker's wages; and

''(vi) if piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

''(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

''(II) does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

''(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

''(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

''(1) may be admitted for an initial period of 12 months;

''(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

''(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

''(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

''(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

''(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

''(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(A) the alien's employer on behalf of an eligible alien; or

''(B) the eligible alien.

''(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

''(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(5) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

''(a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—

''(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

''(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as

its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''SEC. 218D. DEFINITIONS.

''For purposes of this section and section 218, 218A, 218B, and 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications
''Sec. 218A. H–2A employment requirements
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers
''Sec. 218C. Worker protections and labor standards enforcement
''Sec. 218D. Definitions''.

Subtitle C—MISCELLANEOUS PROVISIONS

SEC. 231. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title and the amendments made by this title, and a collection process for such fees from employers participating in the program provided under this title. Such fees shall be the only fees chargeable to employers for services provided under this title.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 221 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this title, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively by section 221 of this Act, and the provisions of this title.

SEC. 232. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as added by section 221 of this Act, shall take effect on the effective date of section 221 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 233. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 211(a);

(5) the number of such aliens whose status was adjusted under section 211(a);

(6) the number of aliens who applied for permanent residence pursuant to section 211(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 211(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment

of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

SEC. 234. EFFECTIVE DATE.

Except as otherwise provided, sections 221 and 231 shall take effect 1 year after the date of the enactment of this Act.

SA 5022. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE II—AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2006'' or the ''AgJOBS Act of 2006''.

SEC. 202. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term ''blue card status'' means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 211(a).

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) JOB OPPORTUNITY.—The term ''job opportunity'' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(6) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(7) TEMPORARY.—A worker is employed on a ''temporary'' basis where the employment is intended not to exceed 10 months.

(8) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(9) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

Subtitle A—Pilot Program for Earned Status Adjustment of Agricultural Workers

SEC. 211. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2); and

(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this title that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(IV) fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted permanent resident status under subsection (c).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall

transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(bb) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subclause (I) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of any applicable Federal tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term ''applicable Federal tax liability'' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term

involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this title as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(ii) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B),

including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this section, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

SEC. 212. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—Reform of H–2A Worker Program

SEC. 221. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

''SEC. 218. H–2A EMPLOYER APPLICATIONS.

''(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended

employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A and 218B.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application

''SEC. 218A. H–2A EMPLOYMENT REQUIREMENTS.

''(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar

incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

''(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(II) 4 percent.

''(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

''(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(II) 4 percent.

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

''(i) the worker's total earnings for the pay period;

''(ii) the worker's hourly rate of pay, piece rate of pay, or both;

''(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

''(iv) the hours actually worked by the worker;

''(v) an itemization of the deductions made from the worker's wages; and

''(vi) if piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

''(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

''(II) does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

''(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

''(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅙ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

''(1) may be admitted for an initial period of 12 months;

''(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

''(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

''(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

''(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

''(B) who has maintained such nonimmigrant status in the United States for a

cumulative total of 36 months (excluding any period of absence from the United States); and

''(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(A) the alien's employer on behalf of an eligible alien; or

''(B) the eligible alien.

''(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

''(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(5) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

''(a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—

''(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

''(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under

this Act, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''SEC. 218D. DEFINITIONS.

''For purposes of this section and section 218, 218A, 218B, and 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under

section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications
''Sec. 218A. H–2A employment requirements
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers
''Sec. 218C. Worker protections and labor standards enforcement
''Sec. 218D. Definitions''.

Subtitle C—Miscellaneous Provisions

SEC. 231. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title and the amendments made by this title, and a collection process for such fees from employers participating in the program provided under this title. Such fees shall be the only fees chargeable to employers for services provided under this title.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 221 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this title, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively by section 221 of this Act, and the provisions of this title.

SEC. 232. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as added by section 221 of this Act, shall take effect on the effective date of section 221 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 233. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 211(a);

(5) the number of such aliens whose status was adjusted under section 211(a);

(6) the number of aliens who applied for permanent residence pursuant to section 211(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 211(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

SEC. 234. EFFECTIVE DATE.

Except as otherwise provided, sections 221 and 231 shall take effect 1 year after the date of the enactment of this Act.

SA 5023. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 5, between lines 8 and 9, insert the following:

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary to provide fencing and install additional physical barriers, roads, lighting, cameras, and sensors in a location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''.

SA 5024. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, to reauthorize the safe and stable families program, and for other purposes; as follows:

In lieu of the language inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child and Family Services Improvement Act of 2006''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) For Federal fiscal year 2004, child protective services (CPS) staff nationwide reported investigating or assessing an estimated 3,000,000 allegations of child maltreatment, and determined that 872,000 children had been abused or neglected by their parents or other caregivers.

(2) Combined, the Child Welfare Services (CWS) and Promoting Safe and Stable Families (PSSF) programs provide States about $700,000,000 per year, the largest source of targeted Federal funding in the child protection system for services to ensure that children are not abused or neglected and, whenever possible, help children remain safely with their families.

(3) A 2003 report by the Government Accountability Office (GAO) reported that little research is available on the effectiveness of activities supported by CWS funds—evaluations of services supported by PSSF funds have generally shown little or no effect.

(4) Further, the Department of Health and Human Services recently completed initial Child and Family Service Reviews (CFSRs) in each State. No State was in full compliance with all measures of the CFSRs. The CFSRs also revealed that States need to work to prevent repeat abuse and neglect of children, improve services provided to families to reduce the risk of future harm (including by better monitoring the participation of families in services), and strengthen upfront services provided to families to prevent unnecessary family break-up and protect children who remain at home.

(5) Federal policy should encourage States to invest their CWS and PSSF funds in services that promote and protect the welfare of children, support strong, healthy families, and reduce the reliance on out-of-home care, which will help ensure all children are raised in safe, loving families.

(6) CFSRs also found a strong correlation between frequent caseworker visits with children and positive outcomes for these children, such as timely achievement of permanency and other indicators of child well-being.

(7) However, a December 2005 report by the Department of Health and Human Services Office of Inspector General found that only 20 States were able to produce reports to show whether caseworkers actually visited children in foster care on at least a monthly basis, despite the fact that nearly all States had written standards suggesting monthly visits were State policy.

(8) A 2003 GAO report found that the average tenure for a child welfare caseworker is less than 2 years and this level of turnover

negatively affects safety and permanency for children.

(9) Targeting CWS and PSSF funds to ensure children in foster care are visited on at least a monthly basis will promote better outcomes for vulnerable children, including by preventing further abuse and neglect.

(10) According to the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration, the annual number of new uses of Methamphetamine, also known as ''meth,'' has increased 72 percent over the past decade. According to a study conducted by the National Association of Counties which surveyed 500 county law enforcement agencies in 45 states, 88 percent of the agencies surveyed reported increases in meth related arrests starting 5 years ago.

(11) According to the 2004 National Survey on Drug Use and Health, nearly 12,000,000 Americans have tried methamphetamine. Meth making operations have been uncovered in all 50 states, but the most widespread abuse has been concentrated in the western, southwestern, and Midwestern United States.

(12) Methamphetamine abuse is on the increase, particularly among women of childbearing age. This is having an impact on child welfare systems in many States. According to a survey administered by the National Association of Counties (''The Impact of Meth on Children''), conducted in 300 counties in 13 states, meth is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements because of meth in 2005.

(13) It is appropriate also to target PSSF funds to address this issue because of the unique strain the meth epidemic puts on child welfare agencies. Outcomes for children affected by meth are enhanced when services provided by law enforcement, child welfare and substance abuse agencies are integrated.

SEC. 3. REAUTHORIZATION OF THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

(a) FUNDING OF MANDATORY GRANTS AT $345 MILLION PER FISCAL YEAR.—Effective October 1, 2006, section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking ''fiscal year 2006.'' and all that follows and inserting ''each of fiscal years 2007 through 2011''.

(b) FUNDING OF DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—

(1) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $40,000,000 for fiscal year 2006 to carry out section 436 of the Social Security Act, in addition to any amount otherwise made available for fiscal year 2006 to carry out such section.

(2) AVAILABILITY OF FUNDS.—Notwithstanding sections 434(b)(2) and 436(b)(3) of such Act, the amount appropriated under paragraph (1) of this subsection—

(A) shall remain available for expenditure through fiscal year 2009 solely for the purpose described in section 436(b)(4)(B)(i) of such Act;

(B) shall not be used to supplant any Federal funds paid under part E of title IV of such Act that could be used for that purpose; and

(C) shall not be made available to any Indian tribe or tribal consortium.

(d) ELIMINATION OF FINDINGS.—Section 430 of such Act (42 U.S.C. 629) is amended by striking all through ''(b) PURPOSE.—The purpose'' and inserting the following:

''SEC. 430. PURPOSE.

''The purpose''.

(e) ANNUAL BUDGET REQUESTS, SUMMARIES, AND EXPENDITURE REPORTS.—

(1) IN GENERAL.—Section 432(a)(8) of such Act (42 U.S.C. 629b(a)(8)) is amended—

(A) by inserting ''(A)'' after ''(8)''; and

(B) by adding at the end the following:

''(B) provides that, not later than June 30 of each year, the State will submit to the Secretary—

''(i) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

''(ii) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that provide, with respect to the programs authorized under this subpart and subpart 1 and, at State option, other programs included on such forms, for the most recent preceding fiscal year for which reporting of actual expenditures is complete—

''(I) the numbers of families and of children served by the State agency;

''(II) the population served by the State agency;

''(III) the geographic areas served by the State agency; and

''(IV) the actual expenditures of funds provided to the State agency; and''.

(2) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—Section 432 of such Act (42 U.S.C. 629b) is amended by adding at the end the following:

''(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.''.

(3) EFFECTIVE DATE; INITIAL DEADLINES FOR SUBMISSIONS.—The amendments made by this subsection take effect on the date of enactment of this Act. Each State with an approved plan under subpart 1 or 2 of part B of title IV of the Social Security Act shall make its initial submission of the forms required under section 432(a)(8)(B) of the Social Security Act to the Secretary of Health and Human Services by June 30, 2007, and the Secretary of Health and Human Services shall submit the first compilation required under section 432(c) of the Social Security Act by September 30, 2007.

(f) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(1) IN GENERAL.—Section 434 of such Act (42 U.S.C. 629d) is amended—

(A) in subsection (a), by inserting '', subject to subsection (d),'' after ''shall''; and

(B) by adding at the end the following:

''(d) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—The Secretary shall not make a payment to a State under this section with respect to expenditures for administrative costs during a fiscal year, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year under the State plan approved under section 432.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to expenditures made on or after October 1, 2007.

SEC. 4. TARGETING OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM RESOURCES.

(a) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

(1) RESERVATION AND USE OF FUNDS.—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended by adding at the end the following:

''(4) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

''(A) RESERVATION.—The Secretary shall reserve for allotment in accordance with section 433(e)—

''(i) $5,000,000 for fiscal year 2008;

''(ii) $10,000,000 for fiscal year 2009; and

''(iii) $20,000,000 for each of fiscal years 2010 and 2011.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—A State to which an amount is paid from amounts reserved under subparagraph (A) shall use the amount to support monthly caseworker visits with children who are in foster care under the responsibility of the State, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

''(ii) NONSUPPLANTATION.—A State to which an amount is paid from amounts reserved pursuant to subparagraph (A) shall not use the amount to supplant any Federal funds paid to the State under part E that could be used as described in clause (i).''.

(2) ALLOTMENT OF FUNDS.—Section 433 of such Act (42 U.S.C. 629c) is amended—

(A) in subsection (d), by inserting ''subsection (a), (b), or (c) of'' before ''this section'' the 1st and 2nd places it appears; and

(B) by adding at the end the following:

''(e) ALLOTMENT OF FUNDS RESERVED TO SUPPORT MONTHLY CASEWORKER VISITS.—

''(1) TERRITORIES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year, the Secretary shall allot to each jurisdiction specified in subsection (b) of this section, that has provided to the Secretary such documentation as may be necessary to verify that the jurisdiction has complied with section 436(b)(4)(B)(ii) during the fiscal year, an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 423 (without regard to the initial allotment of $70,000 to each State).

''(2) OTHER STATES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year that remains after applying paragraph (1) of this subsection for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) not specified in subsection (b) of this section, that has provided to the Secretary such documentation as may be necessary to verify that the State has complied with section 436(b)(4)(B)(ii) during the fiscal year, an amount equal to such remaining amount multiplied by the food stamp percentage of the State (as defined in subsection (c)(2) of this section) for the fiscal year, except that in applying subsection (c)(2)(A) of this section, 'subsection (e)(2)' shall be substituted for 'such paragraph (1)'.''.

(3) PAYMENTS TO STATES.—Section 434(a) of such Act (42 U.S.C. 629d(a)), as amended by section 3(f)(1) of this Act, is amended by striking ''the lesser of—'' and all that follows and inserting the following: ''the sum of—

''(1) the lesser of—

''(A) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

''(B) the allotment of the State under subsection (a), (b), or (c) of section 433, whichever is applicable, for the fiscal year; and

''(2) the lesser of—

''(A) 75 percent of the total expenditures by the State in accordance with section 436(b)(4)(B) during the fiscal year or the immediately succeeding fiscal year; or

''(B) the allotment of the State under section 433(e) for the fiscal year.''.

(b) SUPPORT FOR TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

(1) RESERVATION OF FUNDS.—Section 436(b) of such Act (42 U.S.C. 629f(b)), as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

''(5) REGIONAL PARTNERSHIP GRANTS.—The Secretary shall reserve for awarding grants under section 437(f)—

''(A) $40,000,000 for fiscal year 2007;

''(B) $35,000,000 for fiscal year 2008;

''(C) $30,000,000 for fiscal year 2009; and

''(D) $20,000,000 for each of fiscal years 2010 and 2011.''.

(2) TARGETED GRANTS.—

(A) IN GENERAL.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

''(f) TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

''(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary to make competitive grants to regional partnerships to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's methamphetamine or other substance abuse.

''(2) REGIONAL PARTNERSHIP DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate or intrastate basis) entered into by at least 2 of the following:

''(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

''(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

''(iii) An Indian tribe or tribal consortium.

''(iv) Nonprofit child welfare service providers.

''(v) For-profit child welfare service providers.

''(vi) Community health service providers.

''(vii) Community mental health providers.

''(viii) Local law enforcement agencies.

''(ix) Judges and court personnel.

''(x) Juvenile justice officials.

''(xi) School personnel.

''(xii) Tribal child welfare agencies (or a consortia of such agencies).

''(xiii) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under this subpart.

''(B) REQUIREMENTS.—

''(i) STATE CHILD WELFARE AGENCY PARTNER.—Subject to clause (ii)(I), a regional partnership entered into for purposes of this subsection shall include the State child welfare agency that is responsible for the administration of the State plan under this part and part E as 1 of the partners.

''(ii) REGIONAL PARTNERSHIPS ENTERED INTO BY INDIAN TRIBES OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

''(I) may (but is not required to) include such State child welfare agency as a partner in the collaborative agreement; and

''(II) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of such agencies).

''(iii) NO STATE AGENCY ONLY PARTNERSHIPS.—If a State agency described in clause (i) or (ii) of subparagraph (A) enters into a regional partnership for purposes of this subsection, the State agency may not enter into a collaborative agreement only with the other State agency described in such clause (i) or (ii).

''(3) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—In addition to amounts authorized to be appropriated to carry out this section, the Secretary shall award grants under this subsection, from the amounts reserved for each of fiscal years 2007 through 2011 under section 436(b)(5), to regional partnerships that satisfy the requirements of this subsection, in amounts that are not less than $500,000 and not more than $1,000,000 per grant per fiscal year.

''(B) REQUIRED MINIMUM PERIOD OF APPROVAL.—A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years.

''(4) APPLICATION REQUIREMENTS.—To be eligible for a grant under this subsection, a regional partnership shall submit to the Secretary a written application containing the following:

''(A) Recent evidence demonstrating that methamphetamine or other substance abuse has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

''(B) A description of the goals and outcomes to be achieved during the funding period for the grant that will—

''(i) enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant;

''(ii) lead to safety and permanence for such children; and

''(iii) decrease the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

''(C) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the funding period for the grant.

''(D) A description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child's family.

''(E) A description of the strategies for—

''(i) collaborating with the State child welfare agency described in paragraph (2)(A)(i) (unless that agency is the lead applicant for the regional partnership); and

''(ii) consulting, as appropriate, with—

''(I) the State agency described in paragraph (2)(A)(ii); and

''(II) the State law enforcement and judicial agencies.

To the extent the Secretary determines that the requirement of this subparagraph would be inappropriate to apply to a regional partnership that includes an Indian tribe, tribal consortium, or a tribal child welfare agency or a consortium of such agencies, the Secretary may exempt the regional partnership from the requirement.

''(F) Such other information as the Secretary may require.

''(5) USE OF FUNDS.—Funds made available under a grant made under this subsection shall only be used for services or activities that are consistent with the purpose of this subsection and may include the following:

''(A) Family-based comprehensive long-term substance abuse treatment services.

''(B) Early intervention and preventative services.

''(C) Children and family counseling.

''(D) Mental health services.

''(E) Parenting skills training.

''(F) Replication of successful models for providing family-based comprehensive long-term substance abuse treatment services.

''(6) MATCHING REQUIREMENT.—

''(A) FEDERAL SHARE.—A grant awarded under this subsection shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—

''(i) 85 percent for the first and second fiscal years for which the grant is awarded to a recipient;

''(ii) 80 percent for the third and fourth such fiscal years; and

''(iii) 75 percent for the fifth such fiscal year.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of services provided or activities conducted under a grant awarded under this subsection may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''(7) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this subsection, the Secretary shall—

''(A) take into consideration the extent to which applicant regional partnerships—

''(i) demonstrate that methamphetamine or other substance abuse by parents or caretakers has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region;

''(ii) have limited resources for addressing the needs of children affected by such abuse;

''(iii) have a lack of capacity for, or access to, comprehensive family treatment services; and

''(iv) demonstrate a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period; and

''(B) after taking such factors into consideration, give greater weight to awarding grants to regional partnerships that propose to address methamphetamine abuse and addiction in the partnership region (alone or in combination with other drug abuse and addiction) and which demonstrate that methamphetamine abuse and addiction (alone or in combination with other drug abuse and addiction) is adversely affecting child welfare in the partnership region.

''(8) PERFORMANCE INDICATORS.—

''(A) IN GENERAL.—Not later than 9 months after the date of enactment of this subsection, the Secretary shall establish indicators that will be used to assess periodically the performance of the grant recipients under this subsection in using funds made available under such grants to achieve the purpose of this subsection.

''(B) CONSULTATION REQUIRED.—In establishing the performance indicators required by subparagraph (A), the Secretary shall consult with the following:

''(i) The Assistant Secretary for the Administration for Children and Families.

''(ii) The Administrator of the Substance Abuse and Mental Health Services Administration.

''(iii) Representatives of States in which a State agency described in clause (i) or (ii) of paragraph (2)(A) is a member of a regional partnership that is a grant recipient under this subsection.

''(iv) Representatives of Indian tribes, tribal consortia, or tribal child welfare agencies that are members of a regional partnership that is a grant recipient under this subsection.

''(9) REPORTS.—

''(A) GRANTEE REPORTS.—

''(i) ANNUAL REPORT.—Not later than September 30 of the first fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and annually thereafter until September 30 of the last fiscal year in which the recipient is paid funds under the grant, the recipient shall submit to the Secretary a report on the services provided or activities carried out during that fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the services provided or activities conducted with such funds.

''(ii) INCORPORATION OF INFORMATION RELATED TO PERFORMANCE INDICATORS.—Each recipient of a grant under this subsection shall incorporate into the first annual report required by clause (i) that is submitted after the establishment of performance indicators under paragraph (8), information required in relation to such indicators.

''(B) REPORTS TO CONGRESS.—On the basis of the reports submitted under subparagraph (A), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

''(i) the services provided and activities conducted with funds provided under grants awarded under this subsection;

''(ii) the performance indicators established under paragraph (8); and

''(iii) the progress that has been made in addressing the needs of families with methamphetamine or other substance abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.''.

(B) CONFORMING AMENDMENTS.—Section 437 of such Act (42 U.S.C. 629g) is amended—

(i) in the section heading, by inserting ''**AND TARGETED**'' after ''**DISCRETIONARY**''; and

(ii) in subsection (e), by striking ''this section'' and inserting ''subsection (a)''.

(c) EVALUATION, RESEARCH, AND TECHNICAL ASSISTANCE WITH RESPECT TO TARGETED PROGRAM RESOURCES.—Section 435(c) of such Act (42 U.S.C. 629e(c)) is amended to read as follows :

''(c) EVALUATION, RESEARCH, AND TECHNICAL ASSISTANCE WITH RESPECT TO TARGETED PROGRAM RESOURCES.—Of the amount reserved under section 436(b)(1) for a fiscal year, the Secretary shall use not less than—

''(1) $1,000,000 for evaluations, research, and providing technical assistance with respect to supporting monthly caseworker visits with children who are in foster care under the responsibility of the State, in accordance with section 436(b)(4)(B)(i); and

''(2) $1,000,000 for evaluations, research, and providing technical assistance with respect to grants under section 437(f).''.

SEC. 5. ALLOTMENTS AND GRANTS TO INDIAN TRIBES.

(a) INCREASE IN SET-ASIDES FOR INDIAN TRIBES.—

(1) MANDATORY GRANTS.—Section 436(b)(3) of the Social Security Act (42 U.S.C. 629f(b)(3)) is amended by striking ''1'' and inserting ''3''.

(2) DISCRETIONARY GRANTS.—Section 437(b)(3) of such Act (42 U.S.C. 629g(b)(3)) is amended by striking ''2'' and inserting ''3''.

(3) EFFECT OF RESERVATION OF FUNDS FOR TARGETED PROGRAM RESOURCES ON AMOUNTS RESERVED FOR INDIAN TRIBES.—Section 436(b)(3) of such Act (42 U.S.C. 629b(b)(3)) is amended by striking ''The'' and inserting ''After applying paragraphs (4) and (5) (but before applying paragraphs (1) or (2)), the''.

(b) AUTHORITY FOR TRIBAL CONSORTIA TO RECEIVE ALLOTMENTS.—

(1) ALLOTMENT OF MANDATORY FUNDS.—

(A) IN GENERAL.—Section 433(a) of such Act (42 U.S.C. 629c(a)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(B) CONFORMING AMENDMENT.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)) is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''.

(2) ALLOTMENT OF ANY DISCRETIONARY FUNDS.—Section 437 of such Act (42 U.S.C. 629g) is amended—

(A) in subsection (b)(3)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''; and

(B) in subsection (c)(1)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes applies and is approved for a grant under this section, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PLANS OF INDIAN TRIBES.—Section 432(b)(2) of such Act (42 U.S.C. 629b(b)(2)) is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES'';

(ii) in subparagraph (A), by inserting ''or tribal consortium'' after ''Indian tribe'' each place it appears; and

(iii) in subparagraph (B)—

(I) by inserting ''or tribal consortium'' after ''Indian tribe''; and

(II) by inserting ''and tribal consortia'' after ''Indian tribes''.

(B) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS.—Section 434(c) of such Act (42 U.S.C. 629d(c)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortium'' after ''Indian tribe'' the first place it appears; and

(iii) by inserting ''or in the case of a payment to a tribal consortium, such tribal organizations of, or entity established by, the Indian tribes that are part of the consortium as the consortium shall designate'' before the period.

(C) EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.—Section 435(d) of such Act (42 U.S.C. 629e(d)) is amended in the matter preceding paragraph (1), by inserting ''or tribal consortia'' after ''Indian tribes''.

(c) COLLECTION OF DATA ON TRIBAL PROMOTING SAFE AND STABLE FAMILIES PLANS.—Section 432(b)(2)(A) of such Act (42 U.S.C. 629b(b)(2)(A)), as amended by subsection (b)(3)(A)(ii) of this section, is amended by striking ''any requirement of this section that the Secretary determines'' and inserting ''the requirements of subsection (a)(4) of this section to the extent that the Secretary determines those requirements''.

SEC. 6. IMPROVEMENTS TO THE CHILD WELFARE SERVICES PROGRAM.

(a) FUNDING.—Subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620–628b) is amended by striking sections 420 and 425 and inserting after section 424 the following:

''LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS

''SEC. 425. To carry out this subpart, there are authorized to be appropriated to the Secretary not more than $325,000,000 for each of fiscal years 2007 through 2011.''.

(b) PURPOSE OF PROGRAM.—Such subpart is further amended—

(1) by striking section 424;

(2) by redesignating sections 421 and 423 as sections 423 and 424, respectively, and by transferring section 423 (as so redesignated) so that it appears after section 422; and

(3) by inserting after the subpart heading the following:

''PURPOSE

''SEC. 421. The purpose of this subpart is to promote State flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families, by—

''(1) protecting and promoting the welfare of all children;

''(2) preventing the neglect, abuse, or exploitation of children;

''(3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner;

''(4) promoting the safety, permanence, and well-being of children in foster care and adoptive families; and

''(5) providing training, professional development and support to ensure a well-qualified child welfare workforce.''.

(c) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 422 of such Act (42 U.S.C. 622) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (3) through (5) and inserting the following:

''(3) include a description of the services and activities which the State will fund under the State program carried out pursuant to this subpart, and how the services and activities will achieve the purpose of this subpart;'';

(B) by striking paragraph (6) and inserting after paragraph (3) (as added by subparagraph (A) of this paragraph) the following:

''(4) contain a description of—

''(A) the steps the State will take to provide child welfare services statewide and to expand and strengthen the range of existing services and develop and implement services to improve child outcomes; and

''(B) the child welfare services staff development and training plans of the State;'';

(C) by redesignating paragraphs (7) through (9) as paragraphs (5) through (7), respectively;

(D) in paragraph (10)—

(i) by striking subparagraph (A);

(ii) in subparagraph (B)(iii)(II), by inserting '', which may include a residential educational program'' after ''in some other planned, permanent living arrangement'';

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by striking subparagraph (C) and inserting after subparagraph (A) the following:

''(B) has in effect policies and administrative and judicial procedures for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) which enable permanent decisions to be made expeditiously with respect to the placement of the children;'';

(E) in paragraph (14), by striking ''and'' at the end;

(F) in paragraph (15), by striking the period and inserting a semicolon;

(G) by redesignating paragraphs (10) through (15) as paragraphs (8) through (13), respectively; and

(H) by adding at the end the following:

''(14) not later than October 1, 2007, include assurances that not more than 10 percent of the expenditures of the State with respect to activities funded from amounts provided under this subpart will be for administrative costs;

''(15) describe how the State actively consults with and involves physicians or other appropriate medical professionals in—

''(A) assessing the health and well-being of children in foster care under the responsibility of the State; and

''(B) determining appropriate medical treatment for the children; and

''(16) provide that, not later than 1 year after the date of the enactment of this paragraph, the State shall have in place procedures providing for how the State programs assisted under this subpart, subpart 2 of this part, or part E would respond to a disaster, in accordance with criteria established by the Secretary which should include how a State would—

''(A) identify, locate, and continue availability of services for children under State care or supervision who are displaced or adversely affected by a disaster;

''(B) respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;

''(C) remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;

''(D) preserve essential program records; and

''(E) coordinate services and share information with other States.''; and

(2) by adding at the end the following:

''(c) DEFINITIONS.—In this subpart:

''(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' means costs for the following, but only to the extent incurred in administering the State plan developed pursuant to this subpart: procurement, payroll management, personnel functions (other than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by caseworkers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by caseworkers or the oversight of programs funded under this subpart).

''(2) OTHER TERMS.—For definitions of other terms used in this part, see section 475.''.

(d) PROVISIONS RELATING TO STATE ALLOTMENTS.—Section 423 of such Act, as so redesignated by subsection (b)(2) of this section, is amended—

(1) in subsection (a)—

(A) by inserting ''IN GENERAL.—'' after ''(a)''; and

(B) by striking ''420'' and inserting ''425''; and

(2) in subsection (b), by inserting ''DETERMINATION OF STATE ALLOTMENT PERCENTAGES.—'' after ''(b)'';

(3) in subsection (c), by inserting ''PROMULGATION OF STATE ALLOTMENT PERCENTAGES.—'' after ''(c)'';

(4) in subsection (d)—

(A) by inserting ''UNITED STATES DEFINED.—'' after ''(d)''; and

(B) by striking ''fifty'' and inserting ''50''; and

(5) by adding at the end the following:

''(e) REALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—The amount of any allotment to a State for a fiscal year under the preceding provisions of this section which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in section 422 shall be available for reallotment from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

''(A) need sums in excess of the amounts allotted to such other States under the preceding provisions of this section, in carrying out their State plans so developed; and

''(B) will be able to so use such excess sums during the fiscal year.

''(2) CONSIDERATIONS.—The Secretary shall make the reallotments on the basis of the State plans so developed, after taking into consideration—

''(A) the population under 21 years of age;

''(B) the per capita income of each of such other States as compared with the population under 21 years of age; and

''(C) the per capita income of all such other States with respect to which such a determination by the Secretary has been made.

''(3) AMOUNTS REALLOTTED TO A STATE DEEMED PART OF STATE ALLOTMENT.—Any amount so reallotted to a State is deemed part of the allotment of the State under this section.''.

(e) PAYMENTS TO STATES; LIMITATIONS ON USE OF FUNDS.—

(1) LIMITATIONS RELATED TO STATE EXPENDITURES FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, AND ADOPTION ASSISTANCE PAYMENTS.—Section 424 of such Act, as so redesignated by subsection (b)(2) of this section, is amended by striking subsections (c) and (d) and inserting the following:

''(c) LIMITATION ON USE OF FEDERAL FUNDS FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, OR ADOPTION ASSISTANCE PAYMENTS.—The total amount of Federal payments under this subpart for a fiscal year beginning after September 30, 2007, that may be used by a State for expenditures for child care, foster care maintenance payments, or adoption assistance payments shall not exceed the total amount of such payments for fiscal year 2005 that were so used by the State.

''(d) LIMITATION ON USE BY STATES OF NON-FEDERAL FUNDS FOR FOSTER CARE MAINTENANCE PAYMENTS TO MATCH FEDERAL FUNDS.—For any fiscal year beginning after September 30, 2007, State expenditures of non-Federal funds for foster care maintenance payments shall not be considered to be expenditures under the State plan developed under this subpart for the fiscal year to the extent that the total of such expenditures for the fiscal year exceeds the total of such expenditures under the State plan developed under this subpart for fiscal year 2005.''.

(2) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(A) IN GENERAL.—Section 424 of such Act (42 U.S.C. 623), as so redesignated by subsection (b)(2) of this section, is amended by adding at the end the following:

''(e) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—A payment may not be made to a State under this section with respect to expenditures during a fiscal year for administrative costs, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year for activities funded from amounts provided under this subpart.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to expenditures made on or after October 1, 2007.

(f) CONFORMING AMENDMENTS.—

(1) Section 428(b) of such Act (42 U.S.C. 628(b)) is amended by striking ''421'' and inserting ''423''.

(2) Section 429 of such Act (42 U.S.C. 628a) is amended—

(A)(i) by striking the following:

''CHILD WELFARE TRAINEESHIPS

''SEC. 429. The Secretary''; and

(ii) inserting the following:

''(c) CHILD WELFARE TRAINEESHIPS.—The Secretary''; and

(B) by transferring the provision to the end of section 426 (as amended by section 11(b) of this Act).

(3) Section 429A of such Act (42 U.S.C. 628b) is redesignated as section 429.

(4) Section 433(b) of such Act (42 U.S.C. 629c(b)) is amended by striking ''421'' and inserting ''423''.

(5) Section 437(c)(2) of such Act (42 U.S.C. 629g(c)(2)) is amended by striking ''421'' and inserting ''423''.

(6) Section 472(d) of such Act (42 U.S.C. 672(d)) is amended by striking ''422(b)(10)'' and inserting ''422(b)(8)''.

(7) Section 473A(f) of such Act (42 U.S.C. 673b(f)) is amended by striking ''423'' and inserting ''424''.

(8) Section 1130(b)(1) of such Act (42 U.S.C. 1320a–9(b)(1)) is amended to read as follows:.

''(1) any provision of section 422(b)(8), or section 479; or''.

(9) Section 104(b)(3) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914(b)(3)) is amended by striking ''422(b)(14) of the Social Security Act, as amended by section 205 of this Act'' and inserting ''422(b)(12) of the Social Security Act''.

SEC. 7. MONTHLY CASEWORKER STANDARD.

(a) STATE PLAN REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)), as amended by section 6(c) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting ''; and''; and

(3) by adding at the end the following:

''(17) not later than October 1, 2007, describe the State standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the State, which, at a minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children.''.

(b) ENFORCEMENT.—Section 424 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act, is amended by adding at the end the following:

''(e)(1) The Secretary may not make a payment to a State under this subpart for a period in fiscal year 2008, unless the State has provided to the Secretary data which shows, for fiscal year 2007—

''(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

''(B) the percentage of the visits that occurred in the residence of the child.

''(2)(A) Based on the data provided by a State pursuant to paragraph (1), the Secretary, in consultation with the State, shall establish, not later than June 30, 2008, an outline of the steps to be taken to ensure, by October 1, 2011, that at least 90 percent of the children in foster care under the responsibility of the State are visited by their caseworkers on a monthly basis, and that the majority of the visits occur in the residence of the child. The outline shall include target percentages to be reached each fiscal year,

and should include a description of how the steps will be implemented. The steps may include activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

''(B) Beginning October 1, 2008, if the Secretary determines that a State has not made the requisite progress in meeting the goal described in subparagraph (A) of this paragraph, then the percentage that shall apply for purposes of subsection (a) of this section for the period involved shall be the percentage set forth in such subsection (a) reduced by—

''(i) 1, if the number of full percentage points by which the State fell short of the target percentage established for the State for the period pursuant to such subparagraph is less than 10;

''(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or

''(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.''.

(c) REPORTS.—

(1) PROGRESS REPORT.—Not later than March 31, 2010, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that outlines the progress made by the States in meeting the standards referred to in section 422(b)(17) of the Social Security Act, and offers recommendations developed in consultation with State officials responsible for administering child welfare programs and members of the State legislature to assist States in their efforts to ensure that foster children are visited on a monthly basis.

(2) INCLUSION OF INFORMATION ON CASEWORKER VISITS IN ANNUAL CHILD WELL-BEING OUTCOME REPORTS.—Section 479A of such Act (42 U.S.C. 679b) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) include in the report submitted pursuant to paragraph (5) for fiscal year 2007 or any succeeding fiscal year, State-by-State data on—

''(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

''(B) the percentage of the visits that occurred in the residence of the child.''.

SEC. 8. REAUTHORIZATION OF PROGRAM FOR MENTORING CHILDREN OF PRISONERS.

(a) IN GENERAL.—Section 439 of the Social Security Act (42 U.S.C. 629i) is amended—

(1) in subsection (c), by striking ''2002 through 2006'' and inserting ''2007 through 2011''; and

(2) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:

''(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary such sums as may be necessary for fiscal years 2007 through 2011.''; and

(B) in paragraph (2), by striking ''2.5'' and inserting ''4''.

(b) SERVICE DELIVERY DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section, is amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following:

''(g) SERVICE DELIVERY DEMONSTRATION PROJECT.—

''(1) PURPOSE; AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with an eligible entity that meets the requirements of paragraph (2) for the purpose of requiring the entity to conduct a demonstration project consistent with this subsection under which the entity shall—

''(A) identify children of prisoners in need of mentoring services who have not been matched with a mentor by an applicant awarded a grant under this section, with a priority for identifying children who—

''(i) reside in an area not served by a recipient of a grant under this section;

''(ii) reside in an area that has a substantial number of children of prisoners;

''(iii) reside in a rural area; or

''(iv) are Indians;

''(B) provide the families of the children so identified with—

''(i) a voucher for mentoring services that meets the requirements of paragraph (5); and

''(ii) a list of the providers of mentoring services in the area in which the family resides that satisfy the requirements of paragraph (6); and

''(C) monitor and oversee the delivery of mentoring services by providers that accept the vouchers.

''(2) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity under this subsection is an organization that the Secretary determines, on a competitive basis—

''(i) has substantial experience—

''(I) in working with organizations that provide mentoring services for children of prisoners; and

''(II) in developing quality standards for the identification and assessment of mentoring programs for children of prisoners; and

''(ii) submits an application that satisfies the requirements of paragraph (3).

''(B) LIMITATION.—An organization that provides mentoring services may not be an eligible entity for purposes of being awarded a cooperative agreement under this subsection.

''(3) APPLICATION REQUIREMENTS.—To be eligible to be awarded a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

''(A) QUALIFICATIONS.—Evidence that the entity—

''(i) meets the experience requirements of paragraph (2)(A)(i); and

''(ii) is able to carry out—

''(I) the purposes of this subsection identified in paragraph (1); and

''(II) the requirements of the cooperative agreement specified in paragraph (4).

''(B) SERVICE DELIVERY PLAN.—

''(i) DISTRIBUTION REQUIREMENTS.—Subject to clause (iii), a description of the plan of the entity to ensure the distribution of not less than—

''(I) 3,000 vouchers for mentoring services in the first year in which the cooperative agreement is in effect with that entity;

''(II) 8,000 vouchers for mentoring services in the second year in which the agreement is in effect with that entity ; and

''(III) 13,000 vouchers for mentoring services in any subsequent year in which the agreement is in effect with that entity.

''(ii) SATISFACTION OF PRIORITIES.—A description of how the plan will ensure the delivery of mentoring services to children identified in accordance with the requirements of paragraph (1)(A).

''(iii) SECRETARIAL AUTHORITY TO MODIFY DISTRIBUTION REQUIREMENT.—The Secretary may modify the number of vouchers specified in subclauses (I) through (III) of clause (i) to take into account the availability of appropriations and the need to ensure that the vouchers distributed by the entity are for amounts that are adequate to ensure the provision of mentoring services for a 12-month period.

''(C) COLLABORATION AND COOPERATION.—A description of how the entity will ensure collaboration and cooperation with other interested parties, including courts and prisons, with respect to the delivery of mentoring services under the demonstration project.

''(D) OTHER.—Any other information that the Secretary may find necessary to demonstrate the capacity of the entity to satisfy the requirements of this subsection.

''(4) COOPERATIVE AGREEMENT REQUIREMENTS.—A cooperative agreement awarded under this subsection shall require the eligible entity to do the following:

''(A) IDENTIFY QUALITY STANDARDS FOR PROVIDERS.—To work with the Secretary to identify the quality standards that a provider of mentoring services must meet in order to participate in the demonstration project and which, at a minimum, shall include criminal records checks for individuals who are prospective mentors and shall prohibit approving any individual to be a mentor if the criminal records check of the individual reveals a conviction which would prevent the individual from being approved as a foster or adoptive parent under section 471(a)(20)(A).

''(B) IDENTIFY ELIGIBLE PROVIDERS.—To identify and compile a list of those providers of mentoring services in any of the 50 States or the District of Columbia that meet the quality standards identified pursuant to subparagraph (A).

''(C) IDENTIFY ELIGIBLE CHILDREN.—To identify children of prisoners who require mentoring services, consistent with the priorities specified in paragraph (1)(A).

''(D) MONITOR AND OVERSEE DELIVERY OF MENTORING SERVICES.—To satisfy specific requirements of the Secretary for monitoring and overseeing the delivery of mentoring services under the demonstration project, which shall include a requirement to ensure that providers of mentoring services under the project report data on the children served and the types of mentoring services provided.

''(E) RECORDS, REPORTS, AND AUDITS.—To maintain any records, make any reports, and cooperate with any reviews and audits that the Secretary determines are necessary to oversee the activities of the entity in carrying out the demonstration project under this subsection.

''(F) EVALUATIONS.—To cooperate fully with any evaluations of the demonstration project, including collecting and monitoring data and providing the Secretary or the Secretary's designee with access to records and staff related to the conduct of the project.

''(G) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—To ensure that administrative expenditures incurred by the entity in conducting the demonstration project with respect to a fiscal year do not exceed the amount equal to 10 percent of the amount awarded to carry out the project for that year.

''(5) VOUCHER REQUIREMENTS.—A voucher for mentoring services provided to the family of a child identified in accordance with paragraph (1)(A) shall meet the following requirements:

''(A) TOTAL PAYMENT AMOUNT; 12-MONTH SERVICE PERIOD.—The voucher shall specify the total amount to be paid a provider of mentoring services for providing the child on

whose behalf the voucher is issued with mentoring services for a 12-month period.

''(B) PERIODIC PAYMENTS AS SERVICES PROVIDED.—

''(i) IN GENERAL.—The voucher shall specify that it may be redeemed with the eligible entity by the provider accepting the voucher in return for agreeing to provide mentoring services for the child on whose behalf the voucher is issued.

''(ii) DEMONSTRATION OF THE PROVISION OF SERVICES.—A provider that redeems a voucher issued by the eligible entity shall receive periodic payments from the eligible entity during the 12-month period that the voucher is in effect upon demonstration of the provision of significant services and activities related to the provision of mentoring services to the child on whose behalf the voucher is issued.

''(6) PROVIDER REQUIREMENTS.—In order to participate in the demonstration project, a provider of mentoring services shall—

''(A) meet the quality standards identified by the eligible entity in accordance with paragraph (1);

''(B) agree to accept a voucher meeting the requirements of paragraph (5) as payment for the provision of mentoring services to a child on whose behalf the voucher is issued;

''(C) demonstrate that the provider has the capacity, and has or will have nonfederal resources, to continue supporting the provision of mentoring services to the child on whose behalf the voucher is issued, as appropriate, after the conclusion of the 12-month period during which the voucher is in effect; and

''(D) if the provider is a recipient of a grant under this section, demonstrate that the provider has exhausted its capacity for providing mentoring services under the grant.

''(7) 3-YEAR PERIOD; OPTION FOR RENEWAL.—

''(A) IN GENERAL.—A cooperative agreement awarded under this subsection shall be effective for a 3-year period.

''(B) RENEWAL.—The cooperative agreement may be renewed for an additional period, not to exceed 2 years and subject to any conditions that the Secretary may specify that are not inconsistent with the requirements of this subsection or subsection (i)(2)(B), if the Secretary determines that the entity has satisfied the requirements of the agreement and evaluations of the service delivery demonstration project demonstrate that the voucher service delivery method is effective in providing mentoring services to children of prisoners.

''(8) INDEPENDENT EVALUATION AND REPORT.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an independent, private organization to evaluate and prepare a report on the first 2 fiscal years in which the demonstration project is conducted under this subsection.

''(B) DEADLINE FOR REPORT.—Not later than 90 days after the end of the second fiscal year in which the demonstration project is conducted under this subsection, the Secretary shall submit the report required under subparagraph (A) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report shall include—

''(i) the number of children as of the end of such second fiscal year who received vouchers for mentoring services; and

''(ii) any conclusions regarding the use of vouchers for the delivery of mentoring services for children of prisoners.

''(9) NO EFFECT ON ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—A voucher provided to a family under the demonstration project conducted under this subsection shall be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or federally-supported assistance for the family.''.

(2) CONFORMING AMENDMENTS.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section and paragraph (1) of this subsection, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''PURPOSE'' and inserting ''PURPOSES''; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''PURPOSE'' and inserting ''PURPOSES'';

(II) by striking ''The purpose of this section is to authorize the Secretary to make competitive'' and inserting ''The purposes of this section are to authorize the Secretary—

''(A) to make competitive'';

(iii) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) to enter into on a competitive basis a cooperative agreement to conduct a service delivery demonstration project in accordance with the requirements of subsection (g).'';

(B) in subsection (c)—

(i) by striking ''(h)'' and inserting ''(i)''; and

(ii) by striking ''(h)(2)'' and inserting ''(i)(2)'';

(C) by amending subsection (h) (as so redesignated by paragraph (1)(A) of this subsection) to read as follows:

''(h) INDEPENDENT EVALUATION; REPORTS.—

''(1) INDEPENDENT EVALUATION.—The Secretary shall conduct by grant, contract, or cooperative agreement an independent evaluation of the programs authorized under this section, including the service delivery demonstration project authorized under subsection (g).

''(2) REPORTS.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall submit a report to the Congress that includes the following:

''(A) The characteristics of the mentoring programs funded under this section.

''(B) The plan for implementation of the service delivery demonstration project authorized under subsection (g).

''(C) A description of the outcome-based evaluation of the programs authorized under this section that the Secretary is conducting as of that date of enactment and how the evaluation has been expanded to include an evaluation of the demonstration project authorized under subsection (g).

''(D) The date on which the Secretary shall submit a final report on the evaluation to the Congress.''; and

(D) in subsection (i) (as so redesignated)—

(i) in the subsection heading, by striking ''RESERVATION'' and inserting ''RESERVATIONS''; and

(ii) in paragraph (2)—

(I) by amending the paragraph heading to read as follows: ''RESERVATIONS'';

(II) by striking ''The'' and inserting the following:

''(A) RESEARCH, TECHNICAL ASSISTANCE, AND EVALUATION.—The''; and

(III) by adding at the end the following:

''(B) SERVICE DELIVERY DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of awarding a cooperative agreement to conduct the service delivery demonstration project authorized under subsection (g), the Secretary shall reserve not more than—

''(I) $5,000,000 of the amount appropriated under paragraph (1) for the first fiscal year in which funds are to be awarded for the agreement;

''(II) $10,000,000 of the amount appropriated under paragraph (1) for the second fiscal year in which funds are to be awarded for the agreement; and

''(III) $15,000,000 of the amount appropriated under paragraph (1) for the third fiscal year in which funds are to be awarded for the agreement.

''(ii) ASSURANCE OF FUNDING FOR GENERAL PROGRAM GRANTS.—With respect to any fiscal year, no funds may be awarded for a cooperative agreement under subsection (g), unless at least $25,000,000 of the amount appropriated under paragraph (1) for that fiscal year is used by the Secretary for making grants under this section for that fiscal year.''.

SEC. 9. REAUTHORIZATION OF THE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended in each of subsections (c)(1)(A) and (d) by striking ''2006'' and inserting ''2011''.

SEC. 10. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ''(i)'' after ''with respect to each such child,'';

(2) by striking ''and procedural safeguards shall also'' and inserting ''(ii) procedural safeguards shall''; and

(3) by inserting ''and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;'' after ''parents;''.

SEC. 11. TECHNICAL AMENDMENTS.

(a) UPDATING OF ARCHAIC LANGUAGE.—

(1) Section 423 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act—

(A) is amended by striking ''per centum'' and inserting ''percent''; and

(B) by striking ''He'' and inserting ''The Secretary''.

(2) Section 424(a) of such Act, as so redesignated by section 6(b)(2) of this Act, is amended by striking ''per centum'' and inserting ''percent''.

(b) ELIMINATION OF OBSOLETE PROVISION.—Section 426 of such Act (42 U.S.C. 626) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(c) TECHNICAL CORRECTION.—Section 431(a)(6) of such Act (42 U.S.C. 629a(a)(6)) is amended by striking ''1986'' and inserting ''1996''.

SEC. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to subpart 1 of part B, or a State plan approved under subpart 2 of part B or part E, of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature

that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—Section 3(c) shall take effect on the date of the enactment of this Act.

SA 5025. Mr. McCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, to reauthorize the safe and stable families program, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Act, insert the following: ''An Act to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, and for other purposes.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 20, 2006, at 10 a.m., to conduct a hearing on ''Calculated Risk: Assessing Non-Traditional Mortgage Products.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a committee hearing on the nomination of Mary Peters to be Secretary of Transportation on Wednesday, September 20, 2006 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 20, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Our Business Tax System: Objectives, Deficiencies, and Options for Reform''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 20, 2006, at 10 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FRIST. Mr. President: I ask unanimous consent that on Wednesday, September 20, 2006 at 2:30 p.m. the Committee on Environment and Public Works be authorized to hold a hearing to examine approaches embodied in the Asia Pacific Partnership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, September 20, 2006 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 20, 2006, at 2:30 p.m. for a hearing titled, ''Critical Mission: Assessing Spiral 1.1 of the National Security Personnel System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 20, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on the Tribal Self Governance: Obstacles and Impediments to Expansion of Self Governance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Reporters' Privilege Legislation: Preserving Effective Federal Law Enforcement'' on Wednesday, September 20, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Paul J. McNulty, Deputy Attorney General, Department of Justice, Washington, DC.

Panel II: Theodore B. Olson, Partner, Gibson, Dunn & Crutcher LLP, Washington, DC; Bruce A. Baird, Partner, Covington & Burling LLP, Washington, DC; Victor E. Schwartz, Partner, Shook, Hardy & Bacon LLP, Washington, DC; Steven D. Clymer, Professor, Cornell Law School, Ithaca, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Examining the Proposal to Restructure the Ninth Circuit'' on Wednesday, September 20, 2006 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Members Panel (TBD).

Panel II: Rachel L. Brand, Assistant Attorney General, Office of Legal Policy, Department of Justice, Washington, DC.

Panel III: The Honorable Mary Schroeder, Chief Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ; The Honorable Richard Tallman, Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Seattle, WA; The Honorable Sidney R. Thomas, Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Billings, MT; The Honorable Diarmuid O'Scannlain, Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Portland, OR; and The Honorable John M. Roll, Chief District Judge, U.S. District Court for the District of Arizona, Tucson, AZ.

Panel IV: The Honorable Pete Wilson, Former United States Senator-CA and Former Governor of California, Bingham McCutchen, Of Counsel, Bingham Consulting Group, Principal, Los Angeles, CA; Dr. John C. Eastman, Chapman University School of Law, Anaheim, CA; and William H. Neukom, Esq., Preston Gates & Ellis, LLP, Seattle, WA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, September 20, 2006, to hear the legislative presentation of The American Legion.

The hearing will take place in room 106 of the Dirksen Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2006 at 3:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Wednesday, September 20, 2006 at 10 a.m. on Internet Governance: The Future of ICANN.

The PRESIDING OFFICER: Without objection, it is so ordered.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

On Thursday, September 14, 2006, the Senate passed H.R. 4954, as follows:

H.R. 4954

Resolved, That the bill from the House of Representatives (H.R. 4954) entitled ''An Act

to improve maritime and cargo security through enhanced layered defenses, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Port Security Improvement Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise defined, the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Transportation and Infrastructure of the House of Representatives; and

(H) the Committee on Ways and Means of the House of Representatives.

(2) COMMERCIAL SEAPORT PERSONNEL.—The term ''commercial seaport personnel'' means any

person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters of the United States.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.

(4) CONTAINER.—The term ''container'' has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva, December 2, 1972 (29 UST 3707).

(5) CONTAINER SECURITY DEVICE.—The term ''container security device'' means a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

(6) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(7) EXAMINATION.—The term ''examination'' means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

(8) INSPECTION.—The term ''inspection'' means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

(9) INTERNATIONAL SUPPLY CHAIN.—The term ''international supply chain'' means the end-to-end process for shipping goods to or from the United States from a point of origin (including manufacturer, supplier, or vendor) through a point of distribution.

(10) RADIATION DETECTION EQUIPMENT.—The term ''radiation detection equipment'' means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(11) SCAN.—The term ''scan'' means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(12) SCREENING.—The term ''screening'' means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(13) SEARCH.—The term ''search'' means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(15) TRANSPORTATION DISRUPTION.—The term ''transportation disruption'' means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, heightened threat level, an act of terrorism, or any transportation security incident defined in section 70101(6) of title 46, United States Code.

(16) TRANSPORTATION SECURITY INCIDENT.—The term ''transportation security incident'' has the meaning given the term in section 70101(6) of title 46, United States Code.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident; and''.

SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking ''facility'' and inserting ''facility, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility'';

(B) in subparagraph (E), by striking ''describe the'' and inserting ''provide a strategy and timeline for conducting'';

(C) in subparagraph (F), by striking ''and'' at the end;

(D) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.''; and

(2) by adding at the end the following:

''(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

''(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.''.

SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

''(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.''.

SEC. 104. TRANSPORTATION SECURITY CARD.

(a) IN GENERAL.—Section 70105 of title 46, United States, Code is amended by adding at the end the following:

''(g) APPLICATIONS FOR MERCHANT MARINER'S DOCUMENTS.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

''(h) FEES.—The Secretary shall ensure that the fees charged each individual obtaining a transportation security card under this section who has passed a background check under section 5103a of title 49, United States Code, and who has a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current and valid Merchant Mariner Document—

''(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

''(2) do not include costs associated with performing a background check for that individual, unless the scope of said background checks diverge.

''(i) IMPLEMENTATION SCHEDULE.—In implementing the transportation security card program under this section, the Secretary shall—

''(1) conduct a strategic risk analysis and establish a priority for each United States port based on risk; and

''(2) implement the program, based upon risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

''(A) the 10 United States ports that are deemed top priority by the Secretary not later than July 1, 2007;

''(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

''(C) all other United States ports not later than January 1, 2009.

''(j) TRANSPORTATION SECURITY CARD PROCESSING DEADLINE.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariner's documents on the date of enactment of the Port Security Improvement Act of 2006.

''(k) VESSEL AND FACILITY CARD READER ASSESSMENTS.—

''(1) PILOT PROGRAMS.—

''(A) VESSEL PILOT PROGRAM.—The Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of a vessel in accordance with the Notice of Proposed Rulemaking released on May 22, 2006, (TSA–2006–24191; USCG–2006–24196).

''(B) FACILITIES PILOT PROGRAM.—In addition to the pilot program described in subparagraph (A), the Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of facilities in a variety of environmental settings.

''(C) COORDINATION WITH TRANSPORTATION SECURITY CARDS.—The pilot programs described in subparagraphs (A) and (B) shall be conducted concurrently with the issuance of the transportation security cards as described in subsection (b), of this section, to ensure card and card reader interoperability.

''(2) DURATION.—The pilot program described in paragraph (1) shall commence not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006 and shall terminate 1 year after commencement.

''(3) REPORT.—Not later than 90 days after the termination of the pilot program described under subparagraph (1), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)) that includes—

''(A) the actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with the regulations promulgated under subsection (a);

''(B) recommendations concerning fees and a statement of policy considerations for alternative security plans; and

''(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

''(l) PROGRESS REPORTS.—Not later than 6 months after the date of the enactment of the

Port Security Improvement Act 2006 and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).''.

(b) CLARIFICATION OF ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.—Section 70105(b)(2) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E);

(2) by striking ''Secretary.'' in subparagraph (F) and inserting ''Secretary; and''; and

(3) by adding at the end the following:

''(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection.''.

(c) DEADLINE FOR SECTION 70105 REGULATIONS.—The Secretary shall promulgate final regulations implementing section 70105 of title 46, United States Code, no later than January 1, 2007. The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.

SEC. 105. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

''(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

''(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

''(viii) Murder.

''(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

''(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

''(i) Assault with intent to murder.

''(ii) Kidnapping or hostage taking.

''(iii) Rape or aggravated sexual abuse.

''(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

''(I) firearms (as defined in section 921(a)(3) of title 18); and

''(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

''(v) Extortion.

''(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

''(vii) Bribery.

''(viii) Smuggling.

''(ix) Immigration violations.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

''(xi) Robbery.

''(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(xiii) Arson.

''(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

''(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

''(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.''.

SEC. 106. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking ''The Secretary'' and inserting ''Not later than April 1, 2007, the Secretary''.

(b) VOLUNTARY PROGRAM.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

SEC. 107. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

''§ 70107A. Interagency operational centers for port security

''(a) IN GENERAL.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the Port Security Improvement Act of 2006.

''(b) CHARACTERISTICS.—The interagency operational centers established under this section shall—

''(1) utilize, as appropriate, the compositional and operational characteristics of centers, including—

''(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; San Diego, California; and

''(B) the virtual operation center of the Port of New York and New Jersey;

''(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

''(3) provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders adversely affected by a transportation security incident or transportation disruption; and

''(4) be incorporated in the implementation and administration of—

''(A) maritime transportation security plans developed under section 70103;

''(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

''(C) short and long range vessel tracking under sections 70114 and 70115;

''(D) protocols under section 201(b)(10) of the Port Security Improvement Act of 2006;

''(E) the transportation security incident response plans required by section 70104; and

''(F) other activities, as determined by the Secretary.

''(c) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.''.

(b) 2005 ACT REPORT REQUIREMENT.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments

and agencies involved in the interagency operation of the centers to be established under such section.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

''70107A. Interagency operational centers for port security.''.

SEC. 108. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF.

(a) NOTICE OF ARRIVAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary is directed to update and finalize its rulemaking on Notice of Arrival for foreign vessels on the outer Continental Shelf.

(b) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

Subtitle B—Port Security Grants; Training and Exercise Programs

SEC. 111. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''for the allocation of funds based on risk''.

(b) RISK MANAGEMENT PLAN.—

(1) IN GENERAL.—Under the direction of the Commandant of the Coast Guard, each Area Maritime Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary of the Department in which the Coast Guard is operating, shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

(c) MULTIPLE-YEAR PROJECTS, ETC.—Section 70107 of title 46, United States Code, is amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

''(e) MULTIPLE-YEAR PROJECTS.—

''(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

''(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

''(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

''(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan;

''(2) is coordinated with any applicable State or Urban Area Homeland Security Plan; and

''(3) is consistent with the Port Wide Risk Management Plan developed under section 111(b) of the Port Security Improvement Act of 2006.

''(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this subsection, at such time, in such form, and containing such information and assurances as the Secretary, working through the Directorate for Preparedness, may require.

''(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (l) of section 70107 of title 46, United States Code, as redesignated by subsection (b) is amended to read as follows:

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

(e) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting '', energy'' between ''national economic'' and ''and strategic defense concerns.''.

(f) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

(1) NUCLEAR AND RADIOLOGICAL DETECTION DEVICES.—Section 70107(m)(1)(C) of title 46, United States Code, as redesignated by subsection (b), is amended by inserting '', underwater or water surface devices, devices that can be mounted on cranes and straddle cars used to move cargo within ports, and scanning and imaging technology'' before the semicolon at the end.

(2) USE OF FUNDS.—Amounts appropriated pursuant to this section shall be used for grants to be awarded in a competitive process to public or private entities for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of $70,000,000 for fiscal years 2008 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, shall establish a Port Security Training Program (referred to in this section as the ''Program'') for the purpose of enhancing the capabilities of each of the commercial seaports of the United States to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a ''citizen corps'', if necessary.

(c) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Exercise Program (referred to in this section as the ''Program'') for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary shall ensure that the Program—

(1) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live, in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management, governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (1); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

Subtitle C—Port Operations

SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology;

(7) the policy of the Department for using nonintrusive imagining equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary may update the strategy submitted under subsection (c) to provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the development of equipment to detect chemical, biological, and other weapons of mass destruction at all ports of entry into the United States to the appropriate congressional committees.

(f) STANDARDS.—The Secretary, in conjunction with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

(h) EXPANSION TO OTHER UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a), and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)),

but no later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) RISK ASSESSMENT.—In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

(i) INTERMODAL RAIL RADIATION DETECTION TEST CENTER.—

(1) ESTABLISHMENT.—In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish Intermodal Rail Radiation Detection Test Centers (referred to in this subsection as the ''Test Centers'').

(2) PROJECTS.—The Secretary shall conduct multiple, concurrent projects at the Test Center to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

(3) LOCATION.—The Test Centers shall be located within public port facilities which have a significant portion of the containerized cargo directly laden from (or unladen to) on-dock, intermodal rail, including at least one public port facility at which more than 50 percent of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

SEC. 122. PORT SECURITY USER FEE STUDY.

The Secretary shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related transportation user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, port security. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, and persons who use United States ports, compared with the fees and charges imposed on ports and port terminal operators in Canada and Mexico and persons who use those foreign ports; and

(B) an assessment of the impact on the competitiveness of United States ports, port terminal operators, and shippers; and

(4) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State and in cooperation with ferry operators and appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States seaport.

SEC. 124. RANDOM SEARCHES OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: ''In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action not related to terrorism and resulting from an employee-employer dispute.''.

SEC. 126. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Subject to the availability of appropriations, within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private-sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Commissioner;

(7) consider the impact of supply chain security requirements on small and medium size companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202, including—

(A) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate initial incident commander, and lead departments, agencies, or offices to execute such protocols;

(B) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade in the event of a transportation disruption; and

(C) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection in trade resumption functions and responsibilities following a transportation disruption;

(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, National Maritime Transportation Security Plan, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) CONSULTATION.—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) COMMUNICATION.—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues resulting from a transportation security incident or transportation disruption.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) FINAL REPORT.—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

SEC. 202. POST INCIDENT RESUMPTION OF TRADE.

(a) IN GENERAL.—Except as otherwise determined by the Secretary, in the event of a maritime transportation disruption or a maritime transportation security incident, the initial incident commander and the lead department, agency, or office for carrying out the strategic plan required under section 201 shall be determined by the protocols required under section 201(b)(10).

(b) VESSELS.—The Commandant of the Coast Guard shall, to the extent practicable and consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), ensure the safe and secure transit of vessels to ports in the United States after a maritime transportation security incident, with priority given to vessels carrying cargo determined by the President to be critical for response and recovery from such a disruption or incident, and to vessels that—

(1) have either a vessel security plan approved under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) are manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code, and who—

(A) have undergone a background records check under section 70105(d) of title 46, United States Code; or

(B) hold a transportation security card issued under section 70105 of title 46, United States Code; and

(3) are operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) CARGO.—Consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), the Commissioner shall give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under the Container Security Initiative;

(2) determined by the President to be critical for response and recovery;

(3) that has been handled by a validated C–TPAT participant; or

(4) that has undergone (A) a nuclear or radiological detection scan, (B) an x-ray, density or other imaging scan, and (C) an optical recognition scan, at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by United States Customs and Border Protection personnel.

(d) COORDINATION.—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) COMMUNICATION.—Consistent with section 201 of this Act, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

SEC. 203. AUTOMATED TARGETING SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) CONSIDERATION.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(c) DETERMINATION.—Upon the completion of the process under subsection (b), the Secretary, acting through the Commissioner, may require importers to submit certain elements of nonmanifest or other data about a shipment bound for the United States not later than 24 hours before loading a container on a vessel at a foreign port bound for the United States.

(d) SYSTEM IMPROVEMENTS.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies; and

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the Automated Targeting System for identifying high-risk oceanborne container cargo for inspection—

(A) $33,200,000 for fiscal year 2008;

(B) $35,700,000 for fiscal year 2009; and

(C) $37,485,000 for fiscal year 2010.

(2) SUPPLEMENT FOR OTHER FUNDS.—The amounts authorized by this subsection shall be in addition to any other amount authorized to be appropriated to carry out the Automated Targeting System.

SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to an importer in the United States.

(2) INTERIM RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) MISSED DEADLINE.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall transmit a letter to the appropriate congressional committees explaining why the Secretary is unable to meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a).

(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section

as the ''Container Security Initiative'') to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) ASSESSMENT.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume and value of cargo being imported to the United States directly from, or being transshipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperate with the Department to carry out the Container Security Initiative; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) NEGOTIATIONS.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) OVERSEAS INSPECTIONS.—The Secretary shall establish minimum technical capability criteria and standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in conjunction with the Container Security Initiative and shall monitor operations at foreign seaports designated under the Container Security Initiative to ensure the use of such criteria and procedures. Such criteria and procedures—

(1) shall be consistent with relevant standards and procedures utilized by other Federal departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(2) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy;

(3) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located; and

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2).

(f) SAVINGS PROVISION.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States.

(g) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

(h) STAFFING.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committee on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative; and

(F) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) UPDATED REPORT.—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of this section—

(1) $144,000,000 for fiscal year 2008;

(2) $146,000,000 for fiscal year 2009; and

(3) $153,300,000 for fiscal year 2010.

Subtitle B—Customs-Trade Partnership Against Terrorism

SEC. 211. ESTABLISHMENT.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, is authorized to establish a voluntary government-private sector program (to be known as the ''Customs-Trade Partnership Against Terrorism'' or ''C–TPAT'') to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include tier 1 participants, tier 2 participants, and tier 3 participants.

(b) MINIMUM SECURITY REQUIREMENTS.—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

SEC. 212. ELIGIBLE ENTITIES.

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

SEC. 213. MINIMUM REQUIREMENTS.

An applicant seeking to participate in C–TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner in consultation with the Commercial Operations Advisory Committee.

SEC. 214. TIER 1 PARTICIPANTS IN C–TPAT.

(a) BENEFITS.—The Secretary, acting through the Commissioner, shall offer limited benefits to a tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high risk threshold established by the Secretary.

(b) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C–TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) TIME FRAME.—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the tier 1 certification process within 90 days of receipt of an application for participation in C–TPAT.

SEC. 215. TIER 2 PARTICIPANTS IN C–TPAT.

(a) VALIDATION.—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a tier 1 participant.

(b) BENEFITS.—The Secretary, acting through the Commissioner, shall extend benefits to each C–TPAT participant that has been validated as a tier 2 participant under this section, which may include—

(1) reduced scores in the Automated Targeting System;

(2) reduced examinations of cargo; and
(3) priority searches of cargo.

(c) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

SEC. 216. TIER 3 PARTICIPANTS IN C–TPAT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish a third tier of C–TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a tier 2 participant in C–TPAT under section 215 of this Act.

(b) CRITERIA.—The Secretary, acting through the Commissioner, shall designate criteria for validating a C–TPAT participant as a tier 3 participant under this section. Such criteria may include—

(1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 215 of this Act for validating a C–TPAT participant as a tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) voluntary submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices and technologies that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) BENEFITS.—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C–TPAT participant that has been validated as a tier 3 participant under this section, which may include—

(1) the expedited release of a tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) in addition to the benefits available to tier 2 participants—

(A) further reduction in examinations of cargo;

(B) priority for examinations of cargo; and

(C) further reduction in the risk score assigned pursuant to the Automated Targeting System;

(3) notification of specific alerts and post-incident procedures to the extent such notification does not compromise the security interests of the United States; and

(4) inclusion in joint incident management exercises, as appropriate.

(d) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated tier 3 participants pursuant to subsection (c).

SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) IN GENERAL.—If at any time a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part.

(b) FALSE OR MISLEADING INFORMATION.—If a C–TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C–TPAT for an appropriate period of time. The Commissioner may publish in the Federal Register a list of participants who have been suspended or expelled from C–TPAT pursuant to this subsection, and may make such list available to C–TPAT participants.

(c) RIGHT OF APPEAL.—

(1) IN GENERAL.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) APPEALS OF OTHER DECISIONS.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

SEC. 218. REVALIDATION.

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for tier 2 and tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic revalidation not less frequently than once during each 5-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

SEC. 219. NONCONTAINERIZED CARGO.

The Secretary, acting through the Commissioner, shall consider the potential for participation in C–TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

SEC. 220. C–TPAT PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C–TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C–TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C–TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C–TPAT program.

SEC. 222. ADDITIONAL PERSONNEL.

In each of the fiscal years 2007 through 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C–TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) C–TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) $65,000,000 for fiscal year 2008;
(2) $72,000,000 for fiscal year 2009; and
(3) $75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) $8,500,000 for fiscal year 2007;
(2) $17,600,000 for fiscal year 2008;
(3) $27,300,000 for fiscal year 2009;
(4) $28,300,000 for fiscal year 2010; and
(5) $29,200,000 for fiscal year 2011.

SEC. 224. REPORT TO CONGRESS.

In connection with the President's annual budget submission for the Department of Homeland Security, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C–TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

Subtitle C—Miscellaneous Provisions

SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transshipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COLLABORATION AND COOPERATION.—

(1) IN GENERAL.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and the foreign government of each country in which a foreign seaport is designated pursuant to subsection (a) to implement the pilot systems.

(2) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(A) provide radiation detection equipment required to support the pilot-integrated scanning system established pursuant to subsection (a) through the Department of Energy's Second Line of Defense and Megaports programs; or

(B) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

(c) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and customs personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers;

(4) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a non-intrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a non-intrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(e) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SEC. 232. INTERNATIONAL COOPERATION AND COORDINATION.

(a) INSPECTION TECHNOLOGY AND TRAINING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative and at other foreign ports, as appropriate.

(2) ACQUISITION AND TRAINING.—Unless otherwise prohibited by law, the Secretary may—

(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and handheld radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(b) ACTIONS AND ASSISTANCE FOR FOREIGN PORTS.—Section 70110 of title 46, United States Code, is amended—

(1) by striking the section header and inserting the following:

"§ 70110. Actions and assistance for foreign ports"

; and

(2) by adding at the end the following:

''(e) ASSISTANCE FOR FOREIGN PORTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and the United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.''.

(c) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the security of ports in the Caribbean Basin.

(2) CONTENTS.—The report submitted under paragraph (1)—

(A) shall include—

(i) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(ii) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007;

(iii) an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(iv) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(B) may be submitted in both classified and redacted formats.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

''70110. Actions and assistance for foreign ports.''.

SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.

(a) 100 PERCENT SCREENING OF CARGO CONTAINERS AND 100 PERCENT SCANNING OF HIGH-RISK CONTAINERS.—

(1) SCREENING OF CARGO CONTAINERS.—The Secretary shall ensure that 100 percent of the cargo containers entering the United States through a seaport undergo a screening to identify high-risk containers.

(2) SCANNING OF HIGH-RISK CONTAINERS.—The Secretary shall ensure that 100 percent of the containers that have been identified as high-risk are scanned before such containers leave a United States seaport facility.

(b) FULL-SCALE IMPLEMENTATION.—The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that the integrated scanning system—

(1) meets the requirements set forth in section 231(c);

(2) has a sufficiently low false alarm rate for use in the supply chain;

(3) is capable of being deployed and operated at ports overseas;

(4) is capable of integrating, as necessary, with existing systems;

(5) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(6) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) REPORT.—Not later than 6 months after the submission of a report under section 231(d), and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port.

SEC. 234. INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE.

(a) FINDING.—Congress finds that the Coast Guard, with existing resources, is able to inspect foreign countries no more frequently than on a 4 to 5 year cycle.

(b) IN GENERAL.—

(1) RESOURCES TO COMPLETE INITIAL INSPECTIONS AND VALIDATION.—The Commandant of the Coast Guard shall increase the resources dedicated to the International Port Inspection Program and complete inspection of all foreign countries that trade with the United States, including the validation of compliance of such countries with the International Ship and Port Facility Security Code, not later than December 31, 2008. If the Commandant of the Coast Guard is unable to meet this objective, the Commandant of the Coast Guard shall report to Congress on the resources needed to meet the objective.

(2) REINSPECTION AND VALIDATION.—The Commandant of the Coast Guard shall maintain the personnel and resources necessary to maintain a schedule of re-inspection of foreign countries every 2 years under the International Port Inspection Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard such sums as are necessary to carry out the provisions of this section, subject to the availability of appropriations.

SEC. 235. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Immediately upon passage of this Act, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for

additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

TITLE III—ADMINISTRATION

SEC. 301. OFFICE OF CARGO SECURITY POLICY.

(a) ESTABLISHMENT.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 431. OFFICE OF CARGO SECURITY POLICY.

''(a) ESTABLISHMENT.—There is established within the Department an Office of Cargo Security Policy (referred to in this section as the 'Office').

''(b) PURPOSE.—The Office shall—

''(1) coordinate all Department policies relating to cargo security; and

''(2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

''(c) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director, who shall—

''(A) be appointed by the Secretary; and

''(B) report to the Assistant Secretary for Policy.

''(2) RESPONSIBILITIES.—The Director shall—

''(A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;

''(B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and

''(C) coordinate the cargo security policies of the Department with the policies of other executive agencies.''.

(b) DESIGNATION OF LIAISON OFFICE OF DEPARTMENT OF STATE.—The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security related international agreements.

(c) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 430 the following:

''Sec. 431. Office of cargo security policy.''.

SEC. 302. REAUTHORIZATION OF HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 311(j) of the Homeland Security Act of 2002 (6 U.S.C. 191(j)) is amended by striking ''3 years after the effective date of this Act'' and inserting ''on December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if enacted on the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

(c) ADVISORY COMMITTEE.—The Assistant Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

SEC. 303. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

(a) IN GENERAL.—The Secretary shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) coordinate with public and private sector entities to develop and test technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(b) COORDINATION.—The Secretary, in coordination with the Under Secretary for Science and Technology, the Assistant Secretary for Policy, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other Federal, State, and local agencies, as appropriate.

SEC. 304. COBRA FEES.

(a) EXTENSION OF FEES.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking ''2014'' each place it appears and inserting ''2015''.

SEC. 305. ESTABLISHMENT OF COMPETITIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 314. COMPETITIVE RESEARCH PROGRAM.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

''(2) DIRECTOR.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

''(3) DUTIES OF DIRECTOR.—In the administration of the program, the Director shall—

''(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

''(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

''(C) monitor the efforts of States to develop programs that support the Department's mission;

''(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

''(E) provide annual reports on the progress and achievements of the Program to the Secretary.

''(b) ASSISTANCE UNDER THE PROGRAM.—

''(1) SCOPE.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

''(2) FORM OF ASSISTANCE.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

''(3) APPLICATIONS.—Applicants shall submit proposals or applications in such form, at such times, and containing such information as the Director may require.

''(c) IMPLEMENTATION.—

''(1) START-UP PHASES.—For the first 3 fiscal years beginning after the date of enactment of the Border Infrastructure and Technology Integration Act of 2004, assistance under the program shall be limited to institutions of higher education located in States in which an institution of higher education with a grant from, or a contract or cooperative agreement with, the National Science Foundation under section 113 of the National Science Foundation Act of 1988 (42 U.S.C. 1862) is located.

''(2) SUBSEQUENT FISCAL YEARS.—

''(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

''(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

''(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

''(D) MULTIYEAR ASSISTANCE.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis shall be counted as provided in each such year in the amount so provided for that year.

''(d) FUNDING.—The Secretary shall ensure, subject to the availability of appropriations, that up to 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a).

''(e) REPORT.—The Secretary shall submit an annual report to the appropriate congressional committees detailing the funds expended for the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1).''.

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

''Sec. 314. Competitive research program.''.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

SEC. 401. OFFICE OF INTERNATIONAL TRADE.

Section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072), is amended by adding at the end the following:

''(d) OFFICE OF INTERNATIONAL TRADE.—

''(1) ESTABLISHMENT.—There is established within the United States Customs and Border Protection an Office of International Trade that shall be headed by an Assistant Commissioner.

''(2) TRANSFER OF ASSETS, FUNCTIONS, AND PERSONNEL; ELIMINATION OF OFFICES.—

''(A) OFFICE OF STRATEGIC TRADE.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Strategic Trade to the Office of International Trade established pursuant to paragraph (1) and the Office of Strategic Trade shall be abolished.

''(B) OFFICE OF REGULATIONS AND RULINGS.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Regulations and Rulings to the Office of International Trade established pursuant to paragraph (1) and the Office of Regulations and Rulings shall be abolished.

''(C) OTHER TRANSFERS.—The Commissioner is authorized to transfer any other assets, functions, or personnel within the United States Customs and Border Protection to the Office of International Trade established pursuant to paragraph (1). Not later than 30 days after each such transfer, the Commissioner shall notify the Committee on Appropriations, the Committee on

Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives of the specific assets, functions, or personnel, that were transferred, and the reason for such transfer.

''(e) INTERNATIONAL TRADE POLICY COMMITTEE.—

''(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Policy Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Field Operations, the Assistant Commissioner in the Office of International Affairs, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

''(2) RESPONSIBILITIES.—The International Trade Policy Committee shall—

''(A) be responsible for advising the Commissioner with respect to the commercial customs and trade facilitation functions of the United States Customs and Border Protection; and

''(B) assist the Commissioner in coordinating with the Assistant Secretary for Policy regarding commercial customs and trade facilitation functions.

''(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the International Trade Policy Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

''(A) detail the activities of the International Trade Policy Committee during the preceding fiscal year; and

''(B) identify the priorities of the International Trade Policy Committee for the fiscal year in which the report is filed.

''(f) INTERNATIONAL TRADE FINANCE COMMITTEE.—

''(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Finance Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Finance, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

''(2) RESPONSIBILITIES.—The Trade Finance Committee shall be responsible for overseeing the operation of all programs and systems that are involved in the assessment and collection of duties, bonds, and other charges or penalties associated with the entry of cargo into the United States, or the export of cargo from the United States, including the administration of duty drawback and the collection of antidumping and countervailing duties.

''(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the Trade Finance Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

''(A) detail the activities and findings of the Trade Finance Committee during the preceding fiscal year; and

''(B) identify the priorities of the Trade Finance Committee for the fiscal year in which the report is filed.

''(g) DEFINITION.—In this section, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 402. RESOURCES.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended by adding at the end the following:

''(h) RESOURCE ALLOCATION MODEL.—

''(1) RESOURCE ALLOCATION MODEL.—Not later than June 30, 2007, and every 2 years thereafter, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of United States Customs and Border Protection, including commercial inspection and release of cargo and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

''(A) performing revenue functions;

''(B) enforcing antidumping and countervailing laws;

''(C) protecting intellectual property rights;

''(D) enforcing provisions of law relating to trade in textiles and apparel;

''(E) conducting agricultural inspections;

''(F) enforcing fines, penalties and forfeitures; and

''(G) facilitating trade.

''(2) PERSONNEL.—

''(A) IN GENERAL.—Not later than September 30, 2007, the Commissioner shall ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) are fully satisfied and shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of this subparagraph.

''(B) CUSTOMS AND BORDER PROTECTION OFFICERS.—The initial Resource Allocation Model required pursuant to paragraph (1) shall provide for the hiring of a minimum of 1000 additional Customs and Border Protection Officers. The Commissioner shall hire such additional officers, subject to the appropriation of funds to pay for the salaries and expenses of such officers, of which the Commissioner shall assign—

''(i) 1 additional officer at each port of entry in the United States; and

''(ii) the balance of the additional officers authorized by this subsection among ports of entry in the United States.

''(C) ASSIGNMENT.—In assigning such officers pursuant to subparagraph (B), the Commissioner shall consider the volume of trade and the incidence of nonvoluntarily disclosed customs and trade law violations in addition to security priorities among such ports of entry.

''(D) REDISTRIBUTION.—Not later than September 30, 2008, the Director of Field Operations in each Field Office may, at the request of the Director of a Service Port reporting to such Field Office, direct the redistribution of the additional personnel provided for pursuant to subparagraph (B) among the ports of entry reporting to such Field Office. The Commissioner shall promptly report any redistribution of personnel pursuant to subparagraph (B) to the Committee on Homeland Security and Governmental Affairs and Committee on Finance of the Senate, and the Committee on Homeland Security and Committee on Ways and Means of the House of Representatives.

''(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to any monies hereafter appropriated to United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the requirements of paragraph (2)(B), to remain available until expended—

''(A) $130,000,000 for fiscal year 2008.

''(B) $239,200,000 for fiscal year 2009.

''(C) $248,800,000 for fiscal year 2010.

''(D) $258,700,000 for fiscal year 2011.

''(E) $269,000,000 for fiscal year 2012.

''(4) REPORT.—Not later than 30 days after the end of each fiscal year, the Commissioner shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources directed to commercial and trade facilitation functions within the Office of Field Operations for the preceding fiscal year. Such information shall be reported for each category of personnel within the Office of Field Operations.

''(5) REGULATIONS TO IMPLEMENT TRADE AGREEMENTS.—Not later than 30 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall designate and maintain not less than 5 attorneys within the Office of International Trade established pursuant to section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072) with primary responsibility for the prompt development and promulgation of regulations necessary to implement any trade agreement entered into by the United States.

''(6) DEFINITION.—As used in this subsection, the term 'Commissioner' means the Commissioner responsible for United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 403. NEGOTIATIONS.

Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended by adding at the end the following:

''(h) CUSTOMS PROCEDURES AND COMMITMENTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security, the United States Trade Representative, and other appropriate Federal officials, shall work through appropriate international organizations including the World Customs Organization (WCO), the World Trade Organization (WTO), the International Maritime Organization, and the Asia-Pacific Economic Cooperation, to align, to the extent practicable, customs procedures, standards, requirements, and commitments in order to facilitate the efficient flow of international trade.

''(2) UNITED STATES TRADE REPRESENTATIVE.—

''(A) IN GENERAL.—The United States Trade Representative shall seek commitments in negotiations in the WTO regarding the articles of GATT 1994 that are described in subparagraph (B) that make progress in achieving—

''(i) harmonization of import and export data collected by WTO members for customs purposes, to the extent practicable;

''(ii) enhanced procedural fairness and transparency with respect to the regulation of imports and exports by WTO members;

''(iii) transparent standards for the efficient release of cargo by WTO members, to the extent practicable; and

''(iv) the protection of confidential commercial data.

''(B) ARTICLES DESCRIBED.—The articles of the GATT 1994 described in this subparagraph are the following:

''(i) Article V (relating to transit).

''(ii) Article VIII (relating to fees and formalities associated with importation and exportation).

''(iii) Article X (relating to publication and administration of trade regulations).

''(C) GATT 1994.—The term 'GATT 1994' means the General Agreement on Tariff and Trade annexed to the WTO Agreement.

''(3) CUSTOMS.—The Secretary of Homeland Security, acting through the Commissioner and in consultation with the United States Trade Representative, shall work with the WCO to facilitate the efficient flow of international trade, taking into account existing international agreements and the negotiating objectives of the WTO. The Commissioner shall work to—

''(A) harmonize, to the extent practicable, import data collected by WCO members for customs purposes;

''(B) automate and harmonize, to the extent practicable, the collection and storage of commercial data by WCO members;

''(C) develop, to the extent practicable, transparent standards for the release of cargo by WCO members;

''(D) develop and harmonize, to the extent practicable, standards, technologies, and protocols for physical or nonintrusive examinations that will facilitate the efficient flow of international trade; and

''(E) ensure the protection of confidential commercial data.

''(4) DEFINITION.—In this subsection, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 404. INTERNATIONAL TRADE DATA SYSTEM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

''(d) INTERNATIONAL TRADE DATA SYSTEM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is implemented.

''(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

''(C) PARTICIPATION.—

''(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

''(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on the national security interests of the United States.

''(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

''(2) DATA ELEMENTS.—

''(A) IN GENERAL.—The Interagency Steering Committee (established under paragraph (3)) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Interagency Steering Committee shall periodically review the data elements in order to update the standard set of data elements, as necessary.

''(B) COMMITMENTS AND OBLIGATIONS.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments and obligations of the United States as a member of the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry and movement of cargo.

''(C) COORDINATION.—The Secretary shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

''(3) INTERAGENCY STEERING COMMITTEE.—There is established an Interagency Steering Committee (in this section, referred to as the 'Committee'). The members of the Committee shall include the Secretary (who shall serve as the chairperson of the Committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Committee shall assist the Secretary in overseeing the implementation of, and participation in, the ITDS.

''(4) REPORT.—The Committee shall submit a report before the end of each fiscal year to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

''(A) the status of the ITDS implementation;

''(B) the extent of participation in the ITDS by Federal agencies;

''(C) the remaining barriers to any agency's participation;

''(D) the consistency of the ITDS with applicable standards established by the World Customs Organization and the World Trade Organization;

''(E) recommendations for technological and other improvements to the ITDS; and

''(F) the status of the development, implementation, and management of the Automated Commercial Environment within the United States Customs and Border Protection.''.

SEC. 405. IN-BOND CARGO.

Title IV of the Tariff Act of 1930 is amended by inserting after section 553 the following:

''SEC. 553A. REPORT ON IN-BOND CARGO.

''(a) REPORT.—Not later than June 30, 2007, the Commissioner shall submit a report to the Committees on Commerce, Science, and Transportation, Finance, and Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security, Transportation and Infrastructure, and Ways and Means of the House of Representatives that includes—

''(1) a plan for closing in-bond entries at the port of arrival;

''(2) an assessment of the personnel required to ensure 100 percent reconciliation of in-bond entries between the port of arrival and the port of destination or exportation;

''(3) an assessment of the status of investigations of overdue in-bond shipments and an evaluation of the resources required to ensure adequate investigation of overdue in-bond shipments;

''(4) a plan for tracking in-bond cargo within the Automated Commercial Environment (ACE);

''(5) an assessment of whether any particular technologies should be required in the transport of in-bond cargo;

''(6) an assessment of whether ports of arrival should require any additional information regarding shipments of in-bond cargo;

''(7) an evaluation of the criteria for targeting and examining in-bond cargo; and

''(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade.

''(b) DEFINITION.—The term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 406. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in sections 2, 106, 111 through 113, and 201 through 232 of this Act shall be construed to affect the jurisdiction of any Standing Committee of the Senate.

SEC. 407. FOREIGN OWNERSHIP OF PORTS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the United States Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person.

(b) OPERATIONS AND OWNERSHIP.—For purposes of this section, the term ''operations and ownership'' includes—

(1) operating and maintaining docks;

(2) loading and unloading vessels directly to or from land;

(3) handling marine cargo;

(4) operating and maintaining piers;

(5) ship cleaning;

(6) stevedoring;

(7) transferring cargo between vessels and trucks, trains, pipelines, and wharves; and

(8) waterfront terminal operations.

TITLE V—RAIL SECURITY ACT OF 2006

SEC. 501. SHORT TITLE.

This title may be cited as the ''Rail Security Act of 2006''.

SEC. 502. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security (referred to in this title as the ''Under Secretary''), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment conducted under this subsection shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the assessment and prioritized recommendations required by subsection (a) and an

estimate of the cost to implement such recommendations;

(B) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(C) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $5,000,000 for fiscal year 2007 to carry out this section.

SEC. 503. RAIL SECURITY.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 504. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 505. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Under Secretary, in cooperation with the Secretary of Transportation, shall—

(1) conduct a study to analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report containing the results of the study and any recommendations that the Under Secretary may have for implementing a rail security screening program to—

(A) the Committee on Commerce, Science, and Transportation and the Committee of Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) PILOT PROGRAM.—As part of the study conducted under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak, which shall be selected by the Under Secretary. In conducting the pilot program under this subsection, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices, and methods;

(2) require that intercity rail passengers produce government-issued photographic identification, which matches the name on the passenger's tickets before the passenger boarding a train; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers and Amtrak passengers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary to carry out this section $5,000,000 for fiscal year 2007.

SEC. 506. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 507. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation may award grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, D.C.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels, to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2007;
(B) $100,000,000 for fiscal year 2008;
(C) $100,000,000 for fiscal year 2009; and
(D) $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2007;
(B) $10,000,000 for fiscal year 2008;
(C) $10,000,000 for fiscal year 2009; and
(D) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2007;
(B) $8,000,000 for fiscal year 2008;
(C) $8,000,000 for fiscal year 2009; and
(D) $8,000,000 for fiscal year 2010.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation $3,000,000 for fiscal year 2007 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

(A) project budget;
(B) construction schedule;
(C) recipient staff organization;
(D) document control and record keeping;
(E) change order procedure;
(F) quality control and assurance;
(G) periodic plan updates;
(H) periodic status reports; and
(I) such other matters the Secretary determines to be appropriate.

(f) REVIEW OF PLANS.—

(1) COMPLETION.—The Secretary of Transportation shall complete the review of the plans required under paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans not later than 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE PLANS.—If the Secretary determines that a plan is incomplete or deficient—

(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and

(B) not later than 30 days after receiving the Secretary's notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLANS.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan;

(iii) obligate the funds associated with those other portions; and

(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.

SEC. 508. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''railroad safety'' and inserting ''railroad safety, including security,''.

SEC. 509. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

''(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.''.

SEC. 510. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;

(2) capital projects meet the requirements under section 507(e)(2); and

(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary $63,500,000 for fiscal year 2007, $30,000,000 for fiscal year 2008, and $30,000,000 for fiscal year 2009 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 511. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the international border between the United States and Mexico or the international border between the United States and Canada;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required under section 502(c), including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants awarded under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 510(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Under Secretary determines, as a result of the assessment required by section 502, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ''high hazard materials'' means poison inhalation hazard materials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $350,000,000 for fiscal year 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 512. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans; and

(2) to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of

decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of the enactment of this Act.

SEC. 513. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 511(g));

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(6) other projects recommended in the report required under section 502.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary shall ensure that the research and development program under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Under Secretary shall carry out any research and development project authorized under this section through a reimbursable agreement with the Secretary of Transportation if the Secretary—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $50,000,000 in each of fiscal years 2007 and 2008 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 514. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures to improve the identification of cracks in rail joint bars in the procedures filed with the Administration under section 213.119 of title 49, Code of Federal Regulations;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

(A) periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors; and

(B) require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail, if the Administrator determines that such increase or improvement is necessary or appropriate.

(b) TANK CAR STANDARDS.—The Administrator of the Federal Railroad Administration shall—

(1) not later than 1 year after the date of the enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) not later than 18 months after the date of the enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. 515. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation and Committee of Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security.

SEC. 516. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commerce, Science, and Transportation and Committee of Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 517. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

''§20118. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), or with the written consent of the employee, the Secretary of Transportation may not

disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) ENFORCEMENT.—The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

''Sec. 20118. Whistleblower protection for rail security matters.''.

SEC. 518. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 519. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) CATASTROPHIC IMPACT ZONE.—The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(2) HIGH-CONSEQUENCE TARGET.—The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(3) HIGH HAZARD MATERIALS.—The term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

(4) RAIL CARRIER.—The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 520. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 521. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with any rail security research and development program administered by the Department of Homeland Security and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 519) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

TITLE VI—NATIONAL ALERT SYSTEM

SEC. 601. SHORT TITLE.

This title may be cited as the ''Warning, Alert, and Response Network Act''.

SEC. 602. NATIONAL ALERT SYSTEM.

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section 603 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) shall not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and may utilize existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section 608(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EMERGENCY ALERT SYSTEM.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(2) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. 603. IMPLEMENTATION AND USE.

(a) AUTHORITY TO ACCESS SYSTEM.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System and preserves access to existing alert, warning, and emergency communications systems pursuant to section 602(c)(3). The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) REQUESTS FOR CREDENTIALS.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) SCOPE AND LIMITATIONS OF CREDENTIALS.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) PERIODIC TRAINING.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) ALLOWABLE ALERTS.—

(1) IN GENERAL.—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) EVENT ELIGIBILITY REGULATIONS.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) OPT-IN PROCEDURES FOR OPTIONAL ALERTS.—The director of the Office, in coordination with the Working Group, may establish a procedure under which licensees who elect to participate in the National Alert System as described in subsection (d), may transmit non-emergency information via the National Alert System to individuals who request such information.

(c) ACCESS POINTS.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) ELECTION TO CARRY SERVICE.—

(1) AMENDMENT OF LICENSE.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) ELECTION TO CARRY SERVICE.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) PARTICIPATION.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) ADVERTISING.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) EXPANSION OF CLASS OF LICENSEES PARTICIPATING.—The Commission, in consultation with the National Alert Office, may expand the class of licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) DIGITAL TELEVISION TRANSMISSION TOWERS.—

(1) RETRANSMISSION CAPABILITY.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittees to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) COMPENSATION.—The National Alert Office established by section 605 shall compensate any

such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC REGULATION OF COMPLIANCE.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this title except to regulate compliance with this title by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) LIMITATION OF LIABILITY.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user; or

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert.

(h) TESTING.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. 604. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.

(a) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies to ensure that the National Alert System—

(1) complements, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(b) EXISTING ALERT AUTHORITY.—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section 603; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

SEC. 605. NATIONAL ALERT OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The National Alert Office is established within the Department of Homeland Security.

(2) DIRECTOR.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) STAFF.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall administer, operate, and manage the National Alert System established under this title.

(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—The Office shall be responsible for implementing the recommendations of the Working Group established by section 606 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) TRANSMISSION OF ALERTS.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section 603 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of a National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) REPORTS.—

(1) ANNUAL REPORTS.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. 606. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the National Telecommunications and Information Administration, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS..—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GIFTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. 607. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—In carrying out subsection (a) the Undersecretary for Science and Technology and the director shall—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System into their overall operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. 608. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. 609. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. 610. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

''SEC. 425. ESSENTIAL SERVICE PROVIDERS.

''(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

''(1) provides—

''(A) telecommunications service;

''(B) electrical power;

''(C) natural gas;

''(D) water and sewer services; or

''(E) any other essential service, as determined by the President;

''(2) is—

''(A) a municipal entity;

''(B) a nonprofit entity; or

''(C) a private, for-profit entity; and

''(3) is contributing to efforts to respond to an emergency or major disaster.

''(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

''(2) CRITERIA.—The mechanism established under paragraph (1)—

''(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

''(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

''(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

''(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that these regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.''.

SEC. 611. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''director'' means the director of the National Alert Office.

(2) OFFICE.—The term ''Office'' means the National Alert Office established by section 605.

(3) NATIONAL ALERT SYSTEM.—The term ''National Alert System'' means the National Alert System established by section 602.

(4) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(5) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term ''Non-Commercial Sustaining Announcement Program'' means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(6) WORKING GROUP.—The term ''Working Group'' means the National Alert System Working Group on the established under section 606.

SEC. 612. SAVINGS CLAUSE.

Nothing in this title shall interfere with or supersede the authorities, missions, programs, operations, or activities of the Federal Communications Commission or the Department of Commerce, including those of the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the National Telecommunications and Information Administration.

SEC. 613. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

TITLE VII—MASS TRANSIT SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

SEC. 702. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002

through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 703. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 704, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 704.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 704. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 703(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 703(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 703(a)(4); and

(F) other appropriate security improvements identified under section 703(a)(4), excluding routine, ongoing personnel costs.

(c) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions are consistent with relevant State Homeland Security Plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary of Homeland Security shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 3(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(g) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 705. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 706. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary of Homeland Security, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department of Homeland Security on the use of grant or contract funds received under this section.

(d) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary of Homeland Security determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 707. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 703 through 706;

(B) the amount of funds appropriated to carry out the provisions of each of sections 703 through 706 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section 704(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 704(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 705.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 706, which shall remain available until expended.

SEC. 709. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE VIII—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 801. ESTABLISHMENT OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ESTABLISHMENT OF OFFICE.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.

''(a) ESTABLISHMENT.—There shall be established in the Department of Homeland Security a Domestic Nuclear Detection Office. The Secretary of Homeland Security may request that the Secretaries of Defense, Energy, and State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

''(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

"SEC. 1802. MISSION OF OFFICE.

''(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

''(1) serve as the primary entity in the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

''(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

''(3) establish, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of Defense and Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretaries of Defense, Homeland Security, and Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

''(4) develop, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of State, Defense, and Energy, an enhanced global nuclear detection architecture with implementation under which—

''(A) the Domestic Nuclear Detection Office will be responsible for the implementation of the domestic portion of the global architecture;

''(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

''(C) the Secretaries of State, Defense, and Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

''(5) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development efforts to prevent and detect the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material;

''(6) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

''(7) further enhance and maintain continuous awareness by analyzing information from all Domestic Nuclear Detection Office mission-related detection systems; and

''(8) perform other duties as assigned by the Secretary.

"SEC. 1803. HIRING AUTHORITY.

''In hiring personnel for the Office, the Secretary of Homeland Security shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

"SEC. 1804. TESTING AUTHORITY.

''(a) IN GENERAL.—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 1802. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private-sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

''(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

''(c) FEES.—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

''(d) USE OF FEES.—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

"SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

''The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department of Homeland Security or of any officer of any other Department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department of Homeland Security or any Federal department or agency.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

''(5) A Director of the Domestic Nuclear Detection Office.''.

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking ''radiological, nuclear''; and

(B) in paragraph (5)(A) by striking ''radiological, nuclear''.

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology''.

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology'' each place it appears.

(5) The table of contents of such Act (6 U.S.C. 101) is amended by adding at the end the following:

''TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1801. Domestic Nuclear Detection Office.
''Sec. 1802. Mission of office.
''Sec. 1803. Hiring authority.
''Sec. 1804. Testing authority.
''Sec. 1805. Relationship to other department entities and Federal agencies.''.

SEC. 802. TECHNOLOGY RESEARCH AND DEVELOPMENT INVESTMENT STRATEGY FOR NUCLEAR AND RADIOLOGICAL DETECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of the Department of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) CONTENTS.—The strategy under subsection (a) shall include—

(1) a long-term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence will implement the intent of this title.

TITLE IX—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 901. SHORT TITLE.

This title may be cited as the ''Transportation Security Improvement Act of 2006''.

SEC. 902. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 903. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. 904. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. 905. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committe on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. 906. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. 907. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008; and

(3) $25,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 908. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section 909, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 909—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators,

pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. 909. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SEC. 910. TECHNICAL CORRECTIONS.

(a) HAZMAT LICENSES.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting ''of Homeland Security'' each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

''(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.''.

TITLE X—IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. 1001. SHORT TITLE.

This title may be cited as the ''IP-Enabled Voice Communications and Public Safety Act of 2006''.

SEC. 1002. EMERGENCY SERVICE.

(a) ACCESS TO 911 COMPONENTS.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(b) STATE AUTHORITY OVER FEES.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E–911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E–911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(c) PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E–911 services, and

(3) other matters related to 911 and E–911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(d) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. 1003. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. 1004. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

''(d) MIGRATION PLAN REQUIRED.—

''(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

''(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

''(A) outline the potential benefits of such a migration;

''(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

''(C) include a proposed timetable, an outline of costs and potential savings;

''(D) provide specific legislative language, if necessary, for achieving the plan;

''(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

''(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005.

''(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate.''; and

(3) by striking ''services.'' in subsection (b)(1) and inserting ''services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.''.

(b) REPORT ON PSAPS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) CONTINUING DUTY.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPS REQUIRED TO COMPLY.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) REPORT ON SELECTIVE ROUTERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E–911 service to their subscribers.

SEC. 1005. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title:

(1) 911.—The term ''911'' means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 COMPONENT.—The term ''911 component'' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, or other related facility necessary for the delivery and completion of 911 or E–911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E–911 SERVICE.—The term ''E–911 service'' means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately, or without a fee) with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term ''public safety answering point'' or ''PSAP'' means a facility that has been designated to receive 911 or E–911 calls.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

TITLE XI—OTHER MATTERS

SEC. 1101. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after the date of enactment of this Act.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1102. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2007; and

(2) $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 1103. EVACUATION IN EMERGENCIES.

(a) PURPOSE.—The purpose of this section is to ensure the preparation of communities for future natural, accidental, or deliberate disasters by ensuring that the States prepare for the evacuation of individuals with special needs.

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary, acting through the Federal Emergency Management Agency, shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth, for each State, the status and key elements of the plans to evacuate individuals with special needs in emergencies that would warrant their evacuation.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a discussion of—

(A) whether the States have the resources necessary to implement fully their evacuation plans; and

(B) the manner in which the plans of the States are integrated with the response plans of the Federal Government for emergencies that would require the evacuation of individuals with special needs.

SEC. 1104. PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 408 the following:

''SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

''(a) DEFINITIONS.—In this section:

''(1) CERTIFIED MONITORING PROGRAM.—The term 'certified monitoring program' means a medical monitoring program—

''(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

''(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

''(2) HIGH EXPOSURE LEVEL.—The term 'high exposure level' means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President in accordance with human monitoring or environmental or other appropriate indicators.

''(3) INDIVIDUAL.—The term 'individual' includes—

''(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

''(i) a police officer;

''(ii) a firefighter;

''(iii) an emergency medical technician;

''(iv) any participating member of an urban search and rescue team; and

''(v) any other relief or rescue worker or volunteer that the President determines to be appropriate;

''(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

''(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States;

''(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

''(E) any other person that the President determines to be appropriate.

''(4) PARTICIPATING RESPONDER.—The term 'participating responder' means an individual described in paragraph (3)(A).

''(5) PROGRAM.—The term 'program' means a program described in subsection (b) that is carried out for a disaster area.

''(6) SUBSTANCE OF CONCERN.—The term 'substance of concern' means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President, in coordination with ATSDR and EPA, CDC, NIH, FEMA, OSHA, and other agencies.

''(b) PROGRAM.—

''(1) IN GENERAL.—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act and disrupts the transportation system of the United States, the President may carry out a program for the coordination and protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

''(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

''(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

''(i) any short- and long-term health impacts of any substance of concern; and

''(ii) any mental health impacts;

''(C) the individuals receive health care referrals as needed and appropriate; and

''(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

''(2) ACTIVITIES.—A program under paragraph (1) may include such activities as—

''(A) collecting and analyzing environmental exposure data;

''(B) developing and disseminating information and educational materials;

''(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

''(D) establishing and maintaining an exposure registry;

''(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

''(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

''(3) TIMING.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

''(4) PARTICIPATION IN REGISTRIES AND STUDIES.—

''(A) IN GENERAL.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

''(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

''(C) PRIORITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the President shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

''(ii) MODIFICATIONS.—Notwithstanding clause (i), the President may modify the priority of a registry or study described in subparagraph (A), if the President determines such modification to be appropriate.

''(5) COOPERATIVE AGREEMENTS.—

''(A) IN GENERAL.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

''(B) SELECTION CRITERIA.—To the maximum extent practicable, the President shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

''(i) is located near—

''(I) the disaster area with respect to which the program is carried out; and

''(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

''(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

''(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

''(II) conducting long-term health monitoring and epidemiological studies;

''(III) conducting long-term mental health studies; and

''(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

''(6) INVOLVEMENT.—

''(A) IN GENERAL.—In carrying out a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

''(i) Federal, State, and local government agencies;

''(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

''(iii) local residents, businesses, and schools (including parents and teachers);

''(iv) health care providers;

''(v) faith based organizations; and

''(vi) other organizations and persons.

''(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

''(7) PRIVACY.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).

''(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President may—

''(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

''(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

''(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), may submit a report to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.''.

(b) NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.—

(1) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) PARTICIPATION OF EXPERTS.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health; and

(P) family services, such as counseling and other disaster-related services provided to families.

(3) CONTENTS.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

SEC. 1105. PILOT PROGRAM TO EXTEND CERTAIN COMMERCIAL OPERATIONS.

(a) IN GENERAL.—During fiscal year 2007, the Commissioner shall extend the hours of commercial operations at the port of entry located at Santa Teresa, New Mexico, to a minimum of 16 hours a day.

(b) REPORT.—The Commissioner shall submit a report to the appropriate congressional committees not later than September 30, 2007, with respect to the extension of hours of commercial operations described in subsection (a). The report shall include:

(1) an analysis of the impact of the extended hours of operation on the port facility, staff, and trade volume handled at the port; and

(2) recommendations regarding whether to extend such hours of operation beyond fiscal year 2007.

SEC. 1106. SECURITY PLAN FOR ESSENTIAL AIR SERVICE AIRPORTS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall submit to Congress a security plan for Essential Air Service airports in the United States.

(b) ELEMENTS OF PLAN.—The security plan required by subsection (a) shall include the following:

(1) Recommendations for improved security measures at such airports.

(2) Recommendations for proper passenger and cargo security screening procedures at such airports.

(3) A timeline for implementation of recommended security measures or procedures at such airports.

(4) Cost analysis for implementation of recommended security measures or procedures at such airports.

SEC. 1107. DISCLOSURES REGARDING HOMELAND SECURITY GRANTS.

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY GRANT.—The term ''homeland security grant'' means any grant made or administered by the Department, including—

(A) the State Homeland Security Grant Program;

(B) the Urban Area Security Initiative Grant Program;

(C) the Law Enforcement Terrorism Prevention Program;

(D) the Citizen Corps; and

(E) the Metropolitan Medical Response System.

(2) LOCAL GOVERNMENT.—The term ''local government'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) REQUIRED DISCLOSURES.—Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of the date of enactment of this Act and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, report to the Secretary a list of all expenditures made by such State or local government using funds from such grant.

SEC. 1108. INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

SEC. 1109. TRUCKING SECURITY.

(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Homeland Security, shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

(b) COMMERCIAL DRIVER'S LICENSE ANTI-FRAUD PROGRAMS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Transportation, in conjunction with the Secretary of the Department of Homeland Security, shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH–2006–037).

(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

(1) GUIDELINES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, to improve compliance with Federal immigration and customs laws applicable to all commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic.

(2) VERIFICATION.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

SEC. 1110. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking ''November 19, 2005.'' and inserting ''November 30, 2007.''.

SEC. 1111. MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) IN GENERAL.—It is the sense of Congress that the budget of the United States Government submitted by the President for fiscal year 2008 under section 1105(a) of title 31, United States Code, should include an acquisition fund for the procurement and installation of countermeasure technology, proven through the successful completion of operational test and evaluation, to protect commercial aircraft from the threat of Man-Portable Air Defense Systems (MANPADS).

(b) DEFINITION OF MANPADS.—In this section, the term ''MANPADS'' means—

(1) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(2) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SEC. 1112. AIR AND MARINE OPERATIONS OF THE NORTHERN BORDER AIR WING.

In addition to any other amounts authorized to be appropriated for Air and Marine Operations of United States Customs and Border Protection, there are authorized to be appropriated for fiscal year 2007 and 2008 for operating expenses of the Northern Border Air Wing, $40,000,000 for the branch in Great Falls, Montana.

SEC. 1113. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of background records checks carried out by Federal departments and agencies that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) CONTENTS.—In conducting the study, the Comptroller General of the United States shall review, at a minimum, the background records checks carried out by—

(1) the Secretary of Defense;

(2) the Secretary of Homeland Security; and

(3) the Secretary of Energy.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SEC. 1114. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section.

SEC. 1115. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking ''within 30 months from the date of conveyance.'' and inserting ''by December 31, 2009.''.

SEC. 1116. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—For each of the fiscal years of 2007, 2009, and 2011, as part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

(b) STUDY AND REPORT RELATING TO METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.—

(1) ANALYSIS.—The Commissioner shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) REPORT.—Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in the consultation with the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1); and

(B) a description of how the Untied States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109–177).

(3) AVAILABILITY OF ANALYSIS.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

(c) DEFINITION.—In this section, the term ''methamphetamine precursor chemicals'' means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

SEC. 1117. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) IMPLEMENTATION STATUS.—Within 180 days after the date of enactment of this Act, the Comptroller General shall assess the Department of Homeland Security's aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, and report on the status of the program, its implementation, and its use by the general aviation charter and rental community and report the findings, conclusions, and recommendations, if any, of such assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

SUPPORTING THE GOALS OF RED RIBBON WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 576, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 576) supporting the goals of Red Ribbon Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator MURKOWSKI in sponsoring a resolution commemorating the annual Red Ribbon Week celebrated October 23–31. Red Ribbon Week encourages individuals, families, and communities to take a stand against alcohol, tobacco, and illegal drug use. I hope the rest of the Senate will join in supporting this resolution and support this very important campaign.

The tradition of Red Ribbon Week, now in its twenty-first year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique ''Kiki'' Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors, and students from his home town began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, this year's theme for Red Ribbon Week is Take a Stand—Be Drug Free. Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances, and other family and educational events all designed to educate our children on the negative effects of drugs and promote a drug-free environment.

Research tells us that the longer a child stays drug-free the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent antidrug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities, and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of methamphetamine abuse throughout the Nation and especially in my State of Iowa, this year's Red Ribbon Week holds greater importance. I urge my colleagues to join us in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

Ms. MURKOWSKI. Mr. President, I rise today in support of a resolution that commemorates the 21st Annual Red Ribbon Campaign. I am honored to again seek the Senate's continuing support and recognition of Red Ribbon Week, which is October 23 through October 31.

In 1985, Special Agent Enrique ''Kiki'' Camarena of the Drug Enforcement Administration was kidnapped, tortured, and murdered by drug traffickers. Shortly after Agent Camarena's death, Congressman DUNCAN HUNTER and high school friend Henry Lozano launched ''Camarena Clubs'' in his hometown of Calexico, CA. In honor of Agent Camarena, hundreds of club members wore red ribbons and pledged to lead drug-free lives. The campaign quickly gained statewide and then national prominence. In 1988, what is now the National Family Partnership organized the first National Red Ribbon Week, an eight-day event proclaimed by the United States Congress and chaired by then President and Mrs. Reagan.

With over 80 million people participating in Red Ribbon Week events during the last week in October, it has become the Nation's oldest and largest drug-prevention program. Red Ribbon Week memorializes Agent Camarena, and all those who have lost their lives in the war on drugs, by educating young people about the dangers of drug abuse, promoting drug-free activities, and supporting everyone who has stood strong against the daily bombardment of mixed signals sent by the mass media. The Red Ribbon that we will wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and our commitment to help people, especially children, make the right life-decisions.

In Alaska, Red Ribbon Week will be a statewide celebration involving thousands of school children and other supporters. On October 23, the Municipality of Anchorage, in conjunction with the Alaska Red Ribbon Coalition, which is comprised of the Anchorage School District, the Drug Enforcement Administration, the Alaska State Troopers, the Boys and Girls Clubs of Alaska, the Alaska National Guard, and many other organizations, will hold its Red Ribbon Week kickoff. Among other activities, there will be poetry readings and dance performances, and a Public Service Announcement featuring local youths sending an antidrug message will be broadcast throughout the State.

As people across the country stand together against drugs, I thank my colleagues for joining me in what will hopefully be a continuation of the tradition of congressional support and recognition of Red Ribbon Week.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 576) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 576

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique ''Kiki'' Camarena, a special agent of the Drug Enforcement Administration who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twenty-first year of celebration to help preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug and alcohol abuse places the lives of children at risk and contributes to domestic violence and sexual assaults;

Whereas drug abuse is one of the major challenges that the citizens of the United States face in securing a safe and healthy future for the families and children of our Nation;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse and the abuse of inhalants and prescription drugs, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages all people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

NATIONAL GOOD NEIGHBOR DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 577, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 577) designating September 24, 2006, as ''National Good Neighbor Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, today, September 19, 2006, I join with my colleague from Montana, Senator BAUCUS, in cosponsoring a resolution to designate September 24, 2006 as National Good Neighbor Day. I am proud to promote positive, meaningful friendships between citizens as part of a long-established tradition begun in 1971 by one of Montana's own citizens.

National Good Neighbor Day was started by Becky Mattson of Lakeside, MT with the intent of fostering a strong community of friendship and interaction between neighbors. This day also serves to facilitate communication between senior citizens and children. So often the communications between America's greatest generation and our youngest citizens is not as strong as it could be, yet, Ms. Mattson has found a way to help encourage that important dialogue.

Ms. Mattson began this tradition by doing what so many Montanans and Americans do: she wrote a letter to her Senator. That letter, to Senator Mike Mansfield, was met with great enthusiasm and as result, the National Good Neighbor Day has become an annual event, taking place on the fourth Sunday of September. Her efforts have been recognized by countless individuals, and have even been recognized through proclamations by three United States Presidents: Carter, Ford and Nixon. In addition, governors of many States have issued proclamations of Good Neighbor Day as well.

In the spirit of Ms. Mattson, I encourage my colleagues in the Senate and in our communities to reach out and be a good neighbor. I urge children to visit with senior citizens and to share their life experiences. The efforts of each person matters, not just on this day, but everyday, and will make our communities stronger. I am proud of Ms. Mattson, and thank her for her contribution in making us all good neighbors.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 577) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 577

Whereas our society has developed highly effective means of speedy communication around the world, but has failed to ensure meaningful communication among people living across the globe, or even across the street, from one another;

Whereas the endurance of human values and consideration for others are critical to the survival of civilization; and

Whereas being good neighbors to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2006, as ''National Good Neighbor Day''; and

(2) calls on the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany S. 3525.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3525

Resolved, That the bill from the Senate (S. 3525) entitled ''An Act to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes'', do pass with amendments.

Mr. BAUCUS. Mr. President, I applaud the Senate's unanimous approval of the Child and Family Services Improvement Act of 2006. I am proud to have cosponsored this legislation with Senators GRASSLEY, ROCKEFELLER, HATCH, and SNOWE. The bill reauthorizes and improves the Promoting Safe and Stable Families Program and the Child Welfare Services Act.

Every child deserves the chance to grow up in a safe and stable home, and we need to root out the problems that too often force children into the child welfare system, particularly the growing scourge of methamphetamine, or ''meth,'' abuse. This bill makes some real improvements to our child welfare system and gets us closer to the goal of a thriving, secure childhood for every American youngster.

In Montana, meth is wreaking havoc on our child welfare system. Prevention and intervention are key to stopping the vicious cycle. That is why I have worked hard to secure these funds so we can be one step closer to stamping out meth in Montana and around the country.

In hearings held earlier this year, the Senate Finance Committee heard testimony that ''over 65 percent of all foster care placements in Montana are directly attributable to drug use, and of those, meth is a primary factor 57 percent of the time,'' and that ''meth use among residents of the seven Indian tribes in Montana is far in excess of epidemic proportion.''

I am proud to have worked to include $145 million in competitive grants to address the problem of methamphetamine and substance abuse related to child welfare and foster care. The funding is targeted to regional partnerships that include State agencies and will be available for family-based, comprehensive, long-term substance abuse treatment, early intervention and preventive services, and other innovative initiatives. I also have worked to insure that historically under-funded child welfare programs for Indian tribes received increased monies to help combat new and challenging issues. I am grateful to Chairman GRASSLEY and others for recognizing these needs and working with me to enact these provisions.

The reauthorized Promoting Safe and Stable Families Program will also require States to provide additional information on efforts to get children into safe family situations and keep them there. Congress will receive actual spending data on adoption and postadoption services, efforts to keep families together, and efforts to provide permanent, safe, and loving homes for children.

In addition, the bill supports the training and hiring of more child welfare caseworkers so that more children in foster care will receive at least monthly visits. The bill requires States to achieve the standard of monthly social worker visits for 90 percent of foster children by 2011. This will help ensure proper monitoring of the development of children for whom the State has taken responsibility.

It also continues the Mentoring Children of Prisoners Program and creates a 3-year demonstration program to help provide mentoring services in underserved areas.

The child welfare system protects the most vulnerable people in our society. It provides a safe harbor for children. It looks out for children whose birth families, for one reason or another, have not been able to provide fertile soil in which to grow. Each year, almost 3,000 Montana children enter foster care. They come because of abuse. They come because of neglect. They come because of other serious difficulties in their families.

The Promoting Safe and Stable Families Program supports efforts to rebuild families. And it helps to find permanency for kids when that proves impossible. This program is the largest dedicated source of Federal funds for services to children and families. Last year, Montana received a little over $2 million from the program. These funds are critical to Montana's child welfare system, and this legislation is a pivotal opportunity to ensure adequate support for strong families.

I look forward to quick passage by the House so that we can begin to better safeguard the well-being of our children.

Mr. ROCKEFELLER. I support S. 3525, the Child and Family Services Improvement Act. This is a bill that will reauthorize the Promoting Safe and Stable Families Program, legislation that I have worked on since its creation in 1997.

I am proud to join my colleagues Senators GRASSLEY, BAUCUS, HATCH and SNOWE in support of this bill. Chairman GRASSLEY deserves our deep thanks and gratitude for real leadership on this legislation and a truly bipartisan process. The Finance Committee has a strong history of bipartisanship on child welfare and foster

care. And I should note that this bipartisanship is palpable at the staff level as well and the fine staff of the Finance Committee also deserve our thanks for making this agreement possible.

The children at risk of abuse and neglect in their own homes are among our most vulnerable children. Over the years, progress has been made to promote each child's safety, health and need for a permanent, safe home. But with 518,000 in foster care, there is clearly more work to be done for our children.

The 2006 Deficit Reduction Act included an additional $40 million per year provided for the Promoting Safe and Stable Families Program. Our legislation will target this new money to clear needs for our child welfare system. One priority will be to create new competitive grants to support regional partnership to combat methamphetamine, ''meth,'' or other drug abuses that are affecting the child welfare system. Meth is devastating areas in West Virginia and around our country. When law enforcement breaks up a home meth lab, child welfare workers are often needed on site to deal with the children as their parents are taken to jail. Such children have been exposed to toxins and are at risk of having been abused or neglected when their parents were high on meth. Substance abuse is a huge problem for families in the child welfare system, but there is hope that prevention and treatment can help. Family-based comprehensive long term treatment facilities are reporting some impressive results in helping children and families. Other innovative court projects and law enforcement programs are being developed. This bill invests real dollars to promote and evaluate the most effective programs.

The other priority of this legislation will be to make new investments to help states achieve what is considered the best practice of having monthly caseworker visits to 90 percent of the children in foster care. This standard helps improve outcomes for our most vulnerable children, and it is a worthy goal.

The bill will also reauthorize and expand the Mentoring Children of Prisoners Program, created in 2002 as part of the reauthorization. The expansion is a 3-year pilot program to use vouchers as a new delivery mechanism for services in the hope of helping children in rural and underserved areas. Three States, West Virginia, Vermont and Utah, do not have any Mentoring Children of Prisoners grants, but there are children living there and in rural areas who need a mentor. Under the voucher program, qualified mentoring programs in local communities could get funding to serve such children. This is worth trying as a new model.

Earlier this year, I hosted a roundtable in Beckley, WV on adoption, foster care and child welfare. I met with a judge, local officials and parents involved in our system. I heard an inspiring story of a young man who was adopted from foster care and has become a spokesperson for other children. Following this roundtable, it was very clear to me that we need to provide support and services to families in the system, and this new legislation should help.

For years, I have worked with my colleagues to try and improve our child welfare system and foster care. This bill is our next step forward. Its costs have been offset, and the priorities of combating meth and substance abuse, as well as more caseworker visits are goals that we all can rally to support. My hope is that this bill will provide the incentives and push for West Virginia and every state to do more for our most vulnerable children.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate concur in the House amendments, with amendments; the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5024) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 5025) was agreed to, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Act, insert the following: ''An Act to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, and for other purposes.''.

CODE TALKERS RECOGNITION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1035 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1035) to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1035) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Code Talkers Recognition Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. EXPRESSION OF RECOGNITION.

The purpose of the medals authorized by this Act is to express recognition by the United States and citizens of the United States of, and to honor, the Native American Code Talkers who distinguished themselves in performing highly successful communications operations of a unique type that greatly assisted in saving countless lives and in hastening the end of World War I and World War II.

TITLE I—SIOUX CODE TALKERS

SEC. 101. FINDINGS.

Congress finds that—

(1) Sioux Indians used their native languages, Dakota, Lakota, and Dakota Sioux, as code during World War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sioux Code Talkers;

(3) under some of the heaviest combat action, the Code Talkers worked around the clock to provide information that saved the lives of many Americans in war theaters in the Pacific and Europe, such as the location of enemy troops and the number of enemy guns; and

(4) the Sioux Code Talkers were so successful that military commanders credit the code with saving the lives of countless American soldiers and being instrumental to the success of the United States in many battles during World War II.

SEC. 102. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design, to each Sioux Code Talker, including—

(1) Eddie Eagle Boy;
(2) Simon Brokenleg;
(3) Iver Crow Eagle, Sr.;
(4) Edmund St. John;
(5) Walter C. John;
(6) John Bear King;
(7) Phillip ''Stoney'' LaBlanc;
(8) Baptiste Pumpkinseed;
(9) Guy Rondell;
(10) Charles Whitepipe; and

(11) Clarence Wolfguts.

TITLE II—COMANCHE CODE TALKERS

SEC. 201. FINDINGS.

Congress finds that—

(1) the Japanese Empire attacked Pearl Harbor, Hawaii, on December 7, 1941, and Congress declared war on Japan the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Axis powers, and United States military intelligence sought to develop a new means to counter the enemy;

(3) the Federal Government called on the Comanche Nation to support the military effort by recruiting and enlisting Comanche men to serve in the United States Army to develop a secret code based on the Comanche language;

(4) at the time, the Comanches were—

(A) considered to be second-class citizens; and

(B) discouraged from using their own language;

(5) the Comanches of the 4th Signal Division became known as the ''Comanche Code Talkers'' and helped to develop a code using their language to communicate military messages during the D-Day invasion and in the European theater during World War II;

(6) to the frustration of the enemy, the code developed by those Native Americans—

(A) proved to be unbreakable; and

(B) was used extensively throughout the European war theater;

(7) the Comanche language, discouraged in the past, was instrumental in developing 1 of the most significant and successful military codes of World War II;

(8) the efforts of the Comanche Code Talkers—

(A) contributed greatly to the Allied war effort in Europe;

(B) were instrumental in winning the war in Europe; and

(C) saved countless lives;

(9) only 1 of the Comanche Code Talkers of World War II remains alive today; and

(10) the time has come for Congress to honor the Comanche Code Talkers for their valor and service to the United States.

SEC. 202. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design to each of the following Comanche Code Talkers of World War II, in recognition of contributions of those individuals to the United States:

(1) Charles Chibitty.
(2) Haddon Codynah.
(3) Robert Holder.
(4) Forrest Kassanovoid.
(5) Willington Mihecoby.
(6) Perry Noyebad.
(7) Clifford Otitivo.
(8) Simmons Parker.
(9) Melvin Permansu.
(10) Dick Red Elk.
(11) Elgin Red Elk.
(12) Larry Saupitty.
(13) Morris Sunrise.
(14) Willie Yackeschi.

TITLE III—CHOCTAW CODE TALKERS

SEC. 301. FINDINGS.

Congress finds that—

(1) on April 6, 1917, the United States, after extraordinary provocations, declared war on Germany and entered World War I, the War to End All Wars;

(2) at the time of that declaration of war, Indian people in the United States, including members of the Choctaw Nation, were not accorded the status of citizens of the United States;

(3) without regard to this lack of citizenship, many members of the Choctaw Nation joined many members of other Indian tribes and nations in enlisting in the Armed Forces to fight on behalf of the United States;

(4) members of the Choctaw Nation were—

(A) enlisted in the force known as the American Expeditionary Force, which began hostile actions in France in the fall of 1917; and

(B) incorporated in a company of Indian enlistees serving in the 142d Infantry Company of the 36th Division;

(5) a major impediment to Allied operations in general, and operations of the United States in particular, was the fact that the German forces had deciphered all codes used for transmitting information between Allied commands, leading to substantial loss of men and materiel during the first year in which the military of the United States engaged in combat in World War I;

(6) because of the proximity and static nature of the battle lines, a method to communicate without the knowledge of the enemy was needed;

(7) a commander of the United States realized the fact that he had under his command a number of men who spoke a native language;

(8) while the use of such native languages was discouraged by the Federal Government, the commander sought out and recruited 18 Choctaw Indians to assist in transmitting field telephone communications during an upcoming campaign;

(9) because the language used by the Choctaw soldiers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions;

(10) the Choctaw soldiers were placed in different command positions to achieve the widest practicable area for communications;

(11) the use of the Choctaw Code Talkers was particularly important in—

(A) the movement of American soldiers in October of 1918 (including securing forward and exposed positions);

(B) the protection of supplies during American action (including protecting gun emplacements from enemy shelling); and

(C) in the preparation for the assault on German positions in the final stages of combat operations in the fall of 1918;

(12) in the opinion of the officers involved, the use of Choctaw Indians to transmit information in their native language saved men and munitions, and was highly successful;

(13) based on that successful experience, Choctaw Indians were withdrawn from frontline units for training in transmission of codes so as to be more widely used when the war came to an end;

(14) the Germans never succeeded in breaking the Choctaw code;

(15) that was the first time in modern warfare that the transmission of messages in a Native American language was used for the purpose of confusing the enemy;

(16) this action by members of the Choctaw Nation—

(A) is another example of the commitment of Native Americans to the defense of the United States; and

(B) adds to the proud legacy of such service; and

(17) the Choctaw Nation has honored the actions of those 18 Choctaw Code Talkers through a memorial bearing their names located at the entrance of the tribal complex in Durant, Oklahoma.

SEC. 302. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design honoring the Choctaw Code Talkers.

TITLE IV—SAC AND FOX CODE TALKERS

SEC. 401. FINDINGS.

Congress finds that—

(1) Sac and Fox Indians used their native language, Meskwaki, to transmit military code during Word War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sac and Fox Code Talkers; and

(3) under heavy combat action, the Code Talkers worked without sleep to provide information that saved the lives of many Americans.

SEC. 402. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design, to each of the following Sac and Fox Code Talkers of World War II, in recognition of the contributions of those individuals to the United States:

(1) Frank Sanache.
(2) Willard Sanache.
(3) Dewey Youngbear.
(4) Edward Benson.
(5) Judie Wayne Wabaunasee.
(6) Mike Wayne Wabaunasee.
(7) Dewey Roberts.
(8) Melvin Twin.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITION OF INDIAN TRIBE.

In this title, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506).

SEC. 502. MEDALS FOR OTHER CODE TALKERS.

(a) PRESENTATION AUTHORIZED.—In addition to the commemorative medals authorized to be presented under sections 102, 202, 302, and 402, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design to any other Native American Code Talker identified by the Secretary of Defense under subsection (b) who has not previously received a congressional commemorative medal.

(b) IDENTIFICATION OF OTHER NATIVE AMERICAN CODE TALKERS.—

(1) IN GENERAL.—Any Native American member of the United States Armed Forces who served as a Code Talker in any foreign conflict in which the United States was involved during the 20th Century shall be eligible for a commemorative medal under this section.

(2) DETERMINATION.—The Secretary of Defense shall—

(A) determine eligibility under paragraph (1); and

(B) not later than 120 days after the date of enactment of this Act, establish a list of the names of individuals eligible to receive a medal under paragraph (1).

SEC. 503. PROVISIONS APPLICABLE TO ALL MEDALS UNDER THIS ACT.

(a) MEDALS AWARDED POSTHUMOUSLY.—A medal authorized by this Act may be awarded posthumously on behalf of, and presented to the next of kin or other representative of, a Native American Code Talker.

(b) DESIGN AND STRIKING.—

(1) IN GENERAL.—For purposes of any presentation of a commemorative medal under this Act, the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury.

(2) DESIGNS EMBLEMATIC OF TRIBAL AFFILIATION.—The design of the commemorative medals struck under this Act for Native American Code Talkers who are members of the same Indian tribe shall be emblematic of the participation of the Code Talkers of that Indian tribe.

SEC. 504. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the commemorative medals struck under this Act—

(1) in accordance with such regulations as the Secretary may promulgate; and

(2) at a price sufficient to cover the costs of the medals (including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the bronze medal).

SEC. 505. STATUS AS NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 506. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as are necessary to strike and award medals authorized by this Act.

(b) PROCEEDS OF SALE.—All amounts received from the sale of duplicate bronze medals under section 504 shall be deposited in the United States Mint Public Enterprise Fund.

REAUTHORIZING THE LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged and the Senate proceed to the immediate consideration of H.R. 3408.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3408) to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, the Livestock Mandatory Reporting Act was enacted by Congress in 1999 to level the playing field for independent producers. This Act is important because it improves market transparency by requiring packers, processors, and importers to provide critical price, contracting, supply and demand information to USDA, which in turn creates price reports for livestock producers.

Since the Livestock Mandatory Reporting program was implemented by USDA, I have heard repeated concerns from producers about the accuracy and overall transparency of the program. Since this law was due to sunset, to get as many facts as possible for purposes of reauthorizing this important law, Senator GRASSLEY and I requested an audit by the Government Accountability Office (GAO) to evaluate the accuracy of the program. This GAO audit found numerous instances of limited transparency and lengthy lag times by USDA in actions to correct problems when packers failed to report or provide accurate information, and instances where USDA was excluding packer data in price reports but not making information about the exclusions available to the public.

Thus far, USDA has provided very little information to Congress regarding USDA's implementation of the six recommendations made by GAO. In fact, USDA has known of many of the problems described by GAO since 2001, but failed to act. That is why there needs to be strong oversight by the Senate Committee on Agriculture, Nutrition and Forestry to ensure this program is functioning correctly and that GAO's recommendations are fully implemented.

Mr. GRASSLEY. I also call on Chairman CHAMBLISS to help Senator HARKIN and me get much-needed answers to what USDA has done to implement the GAO recommendations. There has been a lack of believability regarding the information generated by the Livestock Mandatory Reporting program, many producers across Iowa and many parts of the Nation feel strongly that the information would be more valuable if the program had more credibility through improved transparency.

Mr. HARKIN. I do believe that some of the GAO recommendations would be better implemented if codified in law. Senator GRASSLEY and I provided numerous farm and livestock groups and the packing industry draft legislation that would address the GAO recommendations and other outstanding producer concerns. This process has been difficult and has taken considerable time given the complexity of issues and diversity of the groups. Since a full consensus was not reached among these parties, the legislative changes will not be approved this year. Senator GRASSLEY and I ask that Chairman CHAMBLISS be willing to help us achieve these needed legislative changes in the next Congress.

Mr. GRASSLEY. Last year, Senator HARKIN and I introduced legislation, that passed the Senate by unanimous consent, that would extend the Livestock Mandatory Reporting Act for one-year to allow additional time to review the GAO recommendations and develop needed modifications to the law to improve the functioning and operation of the program. Unfortunately, the House refused to take up the bill and the law expired. I conditioned my support of any multi-year extension or revision of the Livestock Mandatory Reporting program on carrying out the GAO study results. Now we are at a crucial point with the legislative session coming to a close. Senator HARKIN and I realize that we are facing strong opposition from the packing industry on moving a Senate version that includes the GAO recommendations. I ask for assurances from Chairman CHAMBLISS that he will work with Senator HARKIN and me to move our proposed legislative changes forward.

Mr. CHAMBLISS. Mr. President, I agree with Senators HARKIN and GRASSLEY about the importance of the Livestock Mandatory Reporting Act (LMRA) to producers. For over a year, I have worked with the Senators from Iowa in their attempt to craft consensus language to which all interested parties could agree. I agreed to wait for a report from the Government Accountability Office, GAO, even though there was concern that the report would be released after the expiration of this important mandatory program. Since that time, packers have continued to consistently report on a voluntary basis limiting potential disruptions to the information provided by LMRA to the marketplace. While I understand my colleague's interest in implementing the recommendations from GAO, I am also concerned that all stakeholders—producers and packers—have comfort and assurance in this program and that any changes made to the program will minimize potential litigation and the false reporting of data.

I intend to work with Senators HARKIN and GRASSLEY to ensure that there is another opportunity to find consensus among interested parties in implementing further changes to the program. Next year provides an excellent opportunity to debate this and other issues of importance to the livestock industry during the farm bill reauthorization process. In addition, the Senate Committee on Agriculture, Nutrition and Forestry will conduct a hearing in the spring of 2007 that will focus on livestock issues which will allow us to explore any needed changes to the Livestock Mandatory Reporting Act.

Although the Senators from Iowa and I have worked diligently with livestock groups and the packing industry to address the concerns of all interested parties, we were not able to reach an agreement. Given the limited time before adjournment, I ask my colleagues to support H.R. 3408, which has passed the House, and will reinstate the mandatory provisions of this much needed program. As I said previously, I will continue to work with the Senators from Iowa next year on the farm bill to arrive at consensus legislation that all stakeholders can support.

Finally, I would like to commend all of the industry groups that have worked on this issue for over a year. The countless hours of negotiations, meetings, and debate are healthy and represent the American legislative process at its best. The complexity of this issue has unfortunately made it impossible to accommodate all the changes requested by the Senators from Iowa, but I commend them for recognizing the importance of this program for not only producers in Iowa, but producers across this great Nation. H.R. 3408 will provide price discovery and transparency to the marketplace, allowing all producers to confidently receive fair prices for their livestock.

Mr. HARKIN. I thank Chairman CHAMBLISS for his patience throughout

this process and willingness and commitment to help Senator GRASSLEY and me to get GAO's recommendations implemented. His commitment to help us pursue our legislative proposals next year is sincerely appreciated.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3408) was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 893; provided further that the Foreign Relations Committee be discharged from consideration of the following nominations and that the Senate proceed to those en bloc: Senator COLEMAN (PN2044) and Senator BOXER (PN2043).

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador Extraordinary and Plenipotentiary.

UNITED NATIONS

Norman B. Coleman, of Minnesota, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

Barbara Boxer, of California, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

ORDERS FOR THURSDAY, SEPTEMBER 21, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, tomorrow, September 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of the motion to proceed to H.R. 6061, the Secure Fence Act, and further, that notwithstanding the adjournment of the Senate, all time count against the motion under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, today, we unanimously invoked cloture on the motion to proceed to the border fence act by a vote of 94 to 0. Unless an agreement is reached to begin earlier, we will begin consideration of that bill no later than 5:45 tomorrow afternoon. We will update Senators as to the voting schedule as we attempt to reach agreement on this bill, as well as any other legislative or executive items that may be considered.

MEASURE READ THE FIRST TIME—H.R. 503

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Mr. MCCONNELL. Mr. President, I ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, in conclusion, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Democratic leader and Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

AGRICULTURAL WORKERS

Mr. REID. Mr. President, I was in my office and listened to the distinguished senior Senator from Idaho talk about the bill that is before the Senate, the so-called fence bill. I have great respect for the distinguished senior Senator. We have served together in the House and the Senate. He talked with great emotion about the agricultural workers and how people are losing crops as a result of not having sufficient agricultural workers and that it was extremely important that we have agricultural worker legislation.

I heard my friend, the distinguished senior Senator from California, Mrs. FEINSTEIN, talk about agricultural workers and how important they are. She gave vivid illustrations of how they are important. I agree with both, but I am stunned that the Senator from Idaho appears to only be talking and not being meaningful in what he is saying about agricultural workers.

''Congress Daily PM,'' which is a publication put out on a daily basis by the National Journal, says as follows:

Senator Larry Craig, Republican of Idaho, would like to offer his amendment which would streamline certification for migrant farm workers, language that was included in the Senate's immigration package.

Listen to this one, though, this final sentence:

Craig spokesman said the Senator would not offer his amendment if it would hold up consideration of the House-passed bill.

We have a bill before the Senate. No one has any intent of holding up the bill, but there are some important amendments that people want to offer. According to the Senator from Idaho, he feels his agricultural workers provision is pretty important. Then why shouldn't we be able to offer some amendments on this? Why shouldn't we be able to offer one amendment, an agricultural workers amendment? Why shouldn't we be able to offer two amendments, three amendments with time on them?

I am told the majority leader is going to fill the tree—that is a buzzword around here for having the majority lock up this legislation so no amendments are possible.

My friend from Idaho cannot have it both ways. He cannot be righteously indignant about the fact we are not having an opportunity to help agricultural workers and then, in effect, throw in the towel and say he is going to do nothing about it.

He is part of the majority party; we are not. We cannot do much about it, but he can.

MIDDLE-CLASS SQUEEZE

Mr. REID. Mr. President, I want the record to reflect that I appreciate very much Senator STABENOW, Senator REED, and Senator SARBANES coming here today and talking about something we haven't talked about much in recent weeks. The Republicans wanted to make this September ''security month.'' So we have devoted all of our time talking about the failure of the war in Iraq and the war on terrorism. We know that the war in Iraq has been a diversion to the real war on terror, but that is what they want to talk about.

I am so grateful that my friends came and talked about the economy. It

is an issue that deserves to be a top priority of this Congress but has been ignored for years—the need to strengthen America's middle class. Our country has always been a land of opportunity. As a nation, we take pride that all Americans, no matter where they begin in life, have the opportunity to work hard, get ahead, and prosper. It is called the American dream, and it is what our country is all about.

Unfortunately, while it is still possible for Americans to do well, it is getting harder and harder all the time. America's middle class faces ever increasing obstacles. Incomes are going down, but costs are going up. More and more middle-class families are being squeezed, and this Congress has done nothing to stop that.

Let's look at the facts. There really is a middle-class squeeze under this Republican administration. Real household income has declined during the tenure of President Bush. It has declined by $1,273 a year. That is pretty significant. This is median inflation adjusted household income. It was $47,599 in 2000. Here is what it is 5 years later, $46,326. That is not a record anyone should boast about.

The rich have been able to do much better. The average tax break for somebody over $1 million is about $38,000, where for someone under $50,000, the tax break has been about $6.

In addition to the household income declining, basic costs of the middle class have gone up. The rich are getting richer, the poor are getting poorer, and the middle class is getting squeezed.

The cost of going to college in these 5 years has gone up 44 percent. Health insurance premiums, when one can find health insurance, has gone up 71 percent. We are up to over 47 million Americans now with no health insurance and millions of others who are underinsured. Energy costs certainly have gone up. Parents are paying $3,700 more than they were 5 years ago. Health insurance, if one can buy it, is up $4,500 in the last 6 years. You are paying more.

This story only tells half the story. As families struggle to afford what they need, they also find themselves less secure. Since President Bush took office, 3.7 million more Americans are without employer-sponsored retirement plans. Almost 7 million more Americans are without health insurance, and millions more are carrying significant debt.

Since 2000, household debt has increased by 35 percent, or more than $26,000. When we put all this together—declining incomes, skyrocketing prices, rising insecurity—it is no wonder the economy remains a top concern for the American people. The kitchen-table concerns are issues that matter most to families, yet they are also the issues that are routinely ignored or made worse by this Congress that has been given the name ''do-nothing Congress,'' and rightfully so.

Just listen to Washington Republicans to see how out of touch they are. They are convinced the economy is doing great. They believe we should stay the course. We not only want to stay the course in the war in Iraq, according to the President, we want to stay the course with the economy, even as families struggle like never before.

We can do better than the Republican record of failure—much better. We can take a new direction, and it starts by putting the middle class first for a change.

Democrats have developed a variety of proposals addressing the middle-class squeeze, but every time the Republican majority has blocked our efforts so they can help special interests.

As to rising gas prices, we proposed a ban on price gouging. The prices have dropped down. They are going to go back up. There is nothing that has changed substantially. All we need is a problem in Nigeria or another storm. The majority blocked our price-gouging legislation. They blocked it on behalf of the oil and gas industry. But, of course, they should, Mr. President, because this is the most energy-friendly administration we have had in the history of our country.

To lower the cost of prescription drugs, Democrats proposed repealing the Republican ban on negotiating for lower prices in Medicare, but the majority blocked that on behalf of the pharmaceutical lobby.

To bolster middle-class incomes, Democrats proposed ending tax breaks that encouraged companies to outsource jobs overseas, but the majority continues to support these tax breaks at the behest of multilevel, multinational corporations.

To cut college costs and help more Americans get ahead, we proposed making college tuition deductible from taxes. That is gone. The majority pushed through the largest student aid cut in the history of our country and allowed the college tuition deduction to expire even while pushing for huge tax breaks for special interests and multimillionaires.

The bottom line is that all too often in Republican Washington, special interests rule while the middle class is left behind. As I said, the rich are getting richer, the poor are getting poorer, and the middle class are getting squeezed, and it has never been so apparent as during these last 6 years. America literally cannot afford to stay the present course.

While Washington Republicans have been ignoring the plight of the middle class, they have been digging our Nation into a budget hole that will take decades to correct. As Senator CONRAD has explained so powerfully, since 2001, our national debt has exploded from $5.8 trillion to $8.5 trillion. The debt will double to $11.6 trillion by 2010.

The debt owed to foreigners has already doubled. The United States has borrowed more from overseas interests—that is foreign countries—during the Bush Presidency than we borrowed during all previous Presidencies combined. I think that is irresponsible, and our children and our grandchildren will pay the price.

We have several Democratic Senators who are experts on the economy who have come and spoken. Senator SARBANES, who sadly will retire at the end of this year, has been a wonderful Senator. He has handled the Banking Committee with expertise, and I so appreciate his coming to the floor today and talking about this issue. Our Democrat on the Joint Economic Committee, JACK REED, has done a wonderful job.

But I want to return to my main point. We need a new direction in America, one that strengthens the middle class. We believe it is long past time Washington focused on the people who work hard every day, play by the rules, and are the backbone of our Nation. They are being ignored, and they need our help. Our goal is not for Government to spend more; it is for families to spend less—less for college, less for health care, less for fuel, less for energy—all while enjoying an opportunity to succeed and prosper in the global economy and a chance at the American dream.

Mr. President, for 10 years, to show how little this Republican-dominated town feels about the poor, we have been unable to increase the minimum wage. When President Clinton was President, we tried and a filibuster by Republicans stopped us. The minimum wage—we believe Congress and Washington should focus on ways to help make the American dream come true, to help all Americans achieve their dreams. But to do that, we need to change course by, at long last, standing up to special interests and standing up for the common good. That is the Democratic vision. That is the new direction we seek. America's middle class in our Nation deserves no less.

U.S. ECONOMY CONTINUES TO PROSPER

Mr. HATCH. Mr. President, I have been very interested in the remarks of the distinguished Democratic leader, my friend, and I approach this issue from not just a slightly different perspective but from a very different perspective. I think it is important that we get our facts straight.

The robust health of the U.S. economy becomes more apparent with each passing day. Yet it is something about which we hear precious little except criticism, especially on the Senate floor. I would like to take just a few minutes to remind my colleagues about some of the positive aspects we are seeing about the state of the economy.

As we complete the fifth year of economic expansion, all signs indicate that the economy is as strong as it has ever been, and that we can expect continued economic growth for the foreseeable future. When President Bush became President, we were in the

throes of an economic recession at the end of the Clinton years. He inherited that, and the first year of his Presidency was filled with a recession. But in the last 5 years, we have had an economic expansion. The U.S. economy grew at an annual rate of 4.6 percent in the first half of this year, and that is an impressive clip at any time, but particularly so for a mature economy approaching full employment.

Economic forecasters estimate the gross domestic product in the current quarter will come close to 3 percent. While initially we may not welcome a reduction in the rate of growth, a 3-percent rate is actually very positive news. This is because a growth rate of around 3 percent would put us at a level of growth that many economists believe can be sustained indefinitely without risking inflationary pressures. It is mystifying to me that an economy this strong that has grown steadily for 5 full years now is not being recognized by everyone for what it is; namely, a remarkable jobs-producing machine. We have created 3.5 million jobs in the last 3 years and have more people employed today than ever before in the history of this country.

The unemployment rate is only 4.7 percent, a level that is below any rate seen in the United States between 1970 and 1997. Think about that: a rate below any rate seen in the U.S. between 1970 and 1997.

No matter how one cuts the numbers, the news on the job front of late has been good. The number of long-term unemployed is down, as is the unemployment rate for teenagers, women, African Americans, Hispanics, people without a high school degree, and people with only a high school degree.

While energy prices might have pushed the Consumer Price Index up a bit earlier in the year, I believe there was never a risk of higher inflation, and the financial markets now discount this possibility almost entirely. As Nobel Laureate Friedman put it:

> Inflation is always a monetary phenomenon. As long as the Federal Reserve commits to contain inflation, we should not worry.

I think Ben Bernanke has demonstrated his determination to keep the scourge of inflation under control, and for that he deserves commendation. I believe his decision today to leave the short-term discount rate where it is makes perfect sense, given the recent data.

The benefits of sustained economic growth, the likes of which we have seen over the last 5 years, cannot be overstated. We are just now beginning to reap its benefits in the form of higher incomes for American workers. Median household incomes, stagnant since the 2001 recession, went up by 1.1 percent after adjusting for inflation in 2005. Now, that is median household income.

Contrary to the gloom and doom we are hearing from the other side on this floor, it went up by 1.1 percent, after adjusting for inflation in 2005. That is after the adjustment for inflation.

The preliminary data for 2006 suggests that income growth has accelerated strongly, with even the New York Times reporting an estimate that inflation-adjusted wages and salaries have gone up an annual rate of 7 percent thus far this year. This is a pattern that would be entirely consistent with what we witnessed during the expansion of the 1990s, one that ultimately lifted millions of households out of poverty. Yet all we hear is doom and gloom. That is what happens when people want to gain power.

The Federal Government has also benefitted from the sustained economic growth. Tax revenues—and this is with the tax cuts that we put in, and because of the tax cuts we put in over the past 5 years—have grown at the fastest rate since the inflationary 1970s. You can't discount that, no matter how much doom and gloom you spread all over this body. Revenue went up by nearly 15 percent last year, and as we approach the end of the current fiscal year, it is likely it will go up 12 percent this year. That is phenomenal.

In 2006, we will collect over a half of a trillion dollars more than we did in 2004—a truly awesome amount. The budget deficit has shrunk rapidly over these same 2 years, from $412 billion in 2004 to roughly $260 billion in 2006. Now, it is still too high, but as a percentage of GDP, it is one of the lowest over the last 40 years. That can't be discounted, in spite of the doom and gloom that we hear consistently on this floor.

The Congressional Budget Office was forecasting a budget deficit of $100 billion larger than that as recently as March. Let me repeat, $100 billion larger than the $260 billion it was projected to be as recently as last March. Again, the strong budget growth we have benefitted from of late is reminiscent of what occurred in the late 1990s once the economy reached full employment and productivity growth picked up. It is also instructive to look at exactly where the additional tax revenues are coming from.

Now, let's get this straight because I get so tired of hearing the rich are getting richer and the poor are getting poorer. That is a slogan that really is pure folly. The top 1 percent of all earners—the top 1 percent of all earners—receive about 16 percent of all income but pay over 34 percent of all taxes. Let me repeat that. The top 1 percent of all earners receive about 16 percent of all income but pay over 34 percent of all taxes. The top 10 percent of all earners are paying two-thirds of all the taxes paid in this country—the top 10 percent.

Mr. President, 97 percent, all but 3 percent, 97 percent of all income tax revenue comes from the top 50 percent of all wage earners. That doesn't sound to me like the rich are getting richer. What the other side always seems to forget is that, in this great country, the middle class consistently rises to a higher position because of the opportunities in this country if we continue to provide opportunities for economic growth through tax rate reductions and other methodologies.

When you say that the top 50 percent of all earners pay 97 percent of all income tax revenues, this means that the bottom half of income earners in this country are paying only 3 percent of all income taxes collected. Many of them do not pay anything. Many of them get money from the Federal Government for living. No one can correctly say that the rich are not paying their share of taxes.

Let me go over that again. The top 1 percent pay 34 percent of all income taxes. The top 10 percent are paying two-thirds of all income taxes. The top 50 percent pay 97 percent of all income taxes. The bottom 50 percent pay only 3 percent, and many of those do not pay income taxes at all.

No one can correctly say that the rich are not paying their share of taxes or that this economy is not a good economy. We all wish it could be even better, but when you have an economy as diverse as ours, as complex as ours, it is hard to say that this is not a good economy.

Those who have complained that income growth lagged behind the rest of the economy in the early years of the current economic expansion were absolutely correct. I share their frustration that it takes so long for income growth to permeate throughout all income levels. It is not enough to tell someone who is out of work or has been forced to take a pay cut that once the unemployment rate falls a bit more wages should pick up.

The Government should do what it can to help lift people out of poverty. Republicans and Democrats agree on this. It is not just the Democrats. We all agree on that. So to present this like only Democrats care, that is pure bunk.

However, the answer to this problem is not to take actions that would jeopardize economic growth. The solution is to keep the economy as strong as possible while making sure that those who get hurt by a faltering economy have the means to get up again, to help those who are underemployed or who are unemployed. We improved and expanded the earned-income tax credit, provided new funds for training and education, and during the recession we increased the duration of unemployment insurance.

Let's be honest about it. Both Republicans and Democrats care for those who are suffering or those who have not been doing as well. But the Democratic solution seems to be, let's increase taxes so we can spend more from the Federal Government. We know what that is going to do. That is going to stifle this economy and economic growth and hurt all those who are paying into the system. Above all, it will hurt those who aren't paying into the system, who are the poor. That seems to be the only solution they have. They

don't dare say that is their solution, but it is.

Should the Democrats take control of the Congress, you can absolutely bet that the tax cuts that we enacted will not be continued and that the economy is going to go into the tank. You can absolutely guarantee it.

Ultimately, it is productivity growth that improves the standard of living, plain and simple. Productivity growth has been exceptionally high for the last decade, and I aim to work to keep it that way by encouraging companies to invest in new plant and equipment, by encouraging workers to invest in training and education, and to do my part to say that Government keeps spending and taxes low and allows our businesses to compete as best they can.

The rewards may not be immediate. But the incredible engine that is the U.S. economy owes its success to these simple precepts.

Mr. President, I also know, and I notice the distinguished Senator from Nevada made the point, that energy is a very important matter to us. He said gas prices are going to go up again. That is going to be true if we do not have a consistently good energy policy. In the Republican energy bill, I put five bills in there myself. One to give incentives to recover the almost 1 trillion barrels of oil from oil tar sands and oil shale deposits in western Colorado, southern Wyoming, and eastern Utah. There are 3 trillion barrels of oil there, but we, according to the experts, can recover 1 trillion barrels of oil.

To put that in perspective, the whole Middle East's proven reserves are 760 billion barrels. So we have more oil in tar sands and oil shale than all of the Middle East. The problem is it is going to cost us about $34 a barrel under current methodology and current technology to produce that oil, where it costs only 50 cents a barrel for Saudi crude.

If we move in that direction, we are going to be able to be less dependent upon other countries' oil, especially countries that hate the United States of America, like Venezuela—at least the leadership does. I don't think the people of Venezuela do.

We also put in better permitting language. The radical environmentalists have made it almost impossible to get permits to be able to develop these resources.

Third, we put in that bill incentives to develop our geothermal resources. It is estimated that Utah geothermal wells alone could produce electricity for upwards of 22 million homes. That is about 66 million people. That is almost the whole West, right from one small State. Big in geography, small in population: only 2.5 million people. The fact is we can do that. Now the incentives are in that bill. They are not as good as I would have had them, but they are better than what we had before that bill.

Most people do not realize that we have lost 250 oil refineries over the last 40 years and only built one. It is almost impossible to build an oil refinery because of radical environmentalists. The fact is, we have to build more oil refineries as long as we are dependent on oil refineries for our major source of fuel, for automobiles, trucks, trains, planes, et cetera. We have to wake up and start doing some of these things.

Last but not least, my little CLEAR Act is in that bill to give economic incentives to develop alternative fuels, alternative-fuel vehicles and alternative-fuel infrastructure. It is a little bill that helped drive the hybrid auto industry into existence. Now we are talking about plug-in hybrids. We are talking about hydrogen cars. To get the hydrogen—we only have 9 million tons of hydrogen in this country. We need 150 million tons before we can actually make that a viable fuel and put it in real cars. We are capable of doing it now, but it would be the equivalent of about $3.60 a gallon of gas.

We are going to have to develop cookie-cutter nuclear powerplants so we can develop this hydrogen and have totally clean fuel in our country, from hydrogen cars that will work just as well as gasoline-driven cars. We are a few years away from that, but it is possible to do that if he we wake up and start really thinking about the environment the way we should.

If there is such a phenomenon as global warming—I believe there is—this will be one of the ways of making our contribution to reducing the greenhouse gases, among other things.

We hear a lot of complaints on the other side about the economy. My gosh, these figures have not been met hardly at all in the last 50 years—until now. I think the President, the Republican Congress, and a number of Democrats who have supported us deserve a lot of credit for at least having us where we are. Can we improve? We hope so, and we are going to do everything in our power to do it, but I know one way we can't improve is increasing taxes, increasing Government or having more Government controls, having more regulations, which always seems to be the case when the Democrats take over the Congress. It is certainly going to be the case if they do it this time, and I don't believe the American people are going to put up with that.

I think what I am saying here today is that we cannot listen to cliches and slogans and doom-and-gloom prophecies. We have to work hard to get things done. We have the elements here to do it.

There were comments made about the minimum wage, that we haven't had an increase in 10 years. The so-called trifecta bill would have increased it to $7 an hour, and maybe, if it was a true debate, the Democrats could have won on even a higher minimum wage. All we asked for is that we have some modest estate tax reform, which almost everybody admits would be beneficial to the economy at large and to our families, and especially small businesses that could lose their businesses—small farmers, family farmers, who could lose their farms. But, no, that was stopped by a filibuster, which has become the principal means of obstruction ever since the George Mitchell days when he filibustered.

I thought he was a great majority leader. Don't anybody misconstrue what I am saying. He was, but he was tough. But he started to filibuster everything he disagreed with, or the Democrats disagreed with. Of course, here we are today doing the same thing.

I would like to see us get rid of partisanship, where we can work together in the best interests of our country, without the mouthing off about how bad one side or the other side is, and really do what we were really sent here to do. I admit that we are in an election year and people want to win. So things are said that probably wouldn't be said in a non-election year. I would like to even tone that down a little bit and let's recognize the economy is a good economy. Could it be better? I doubt under the circumstances, but we can all work to try to make it better.

Are some people suffering in our society? I said in my remarks today that there are, and we ought to work to try alleviate that. We have done a lot to alleviate that.

As I have said, the bottom 50 percent only pay 3 percent of all Federal income taxes, and many of them don't pay taxes at all. A goodly number of them get help from the Federal Government. And that is from both parties, not just the Democratic Party. That is because in the past we have worked in bipartisan ways to do these things.

I hope we can continue that. I wish we could get rid of the obstructionary tactics that we have had on judges and some other issues over the last number of years.

I wish we could get behind whoever the President the United States is, and especially right now. President Bush is trying to do the best he can to stem the tide of terrorism in the world, but he also is doing a good job with regard to the economy with hopefully our help.

Whoever the President is the next time, I hope, whether it is a Democrat or a Republican, that we can work together in the best interests of our country. It would be a wonderful, pleasant change from the last 10 years that I have seen. Both parties are at fault. I am not saying equally, but both parties have reason to improve. All I can say is, how do you knock an economy that is clearly as good as this one is and continue to bad-mouth it when in fact the facts all show otherwise? I don't know how they can continue to drumbeat this day in and day out by some on the other side who know that is wrong.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 tomorrow morning.

Thereupon, the Senate, at 6:42 p.m., adjourned until Thursday, September 21, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 2006:

SOCIAL SECURITY ADMINISTRATION

MARK J. WARSHAWSHY, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2012, VICE HAROLD DAUB, TERM EXPIRED.

DANA K. BILYEU, OF NEVADA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2010, VICE GERALD M. SHEA, TERM EXPIRED.

DEPARTMENT OF STATE

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CECIL E. FLOYD, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

INTER-AMERICAN FOUNDATION

KAY KELLEY ARNOLD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010. (REAPPOINTMENT)

GARY C. BRYNER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE NANCY DORN, TERM EXPIRED.

THOMAS JOSEPH DODD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE NADINE HOGAN.

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010, VICE JOSE A. FOURQUET, RESIGNED.

JOHN P. SALAZAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012, VICE ANITA PEREZ FERGUSON.

THOMAS A. SHANNON, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012, VICE ROGER FRANCISCO NORIEGA.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMES OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

PAUL S. SZWED, 0000

To be commander

BRIGID M. PAVILONIS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAN K. MCNEILL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM C. KIRKLAND, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. PATRICK M. WALSH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN J. DONNELLY, 7223

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. THOMAS J. KILCLINE, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MELVIN G. WILLIAMS, JR., 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ANDREA R. GRIFFIN, 0000

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RUSSELL G. BOESTER, 0000

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, September 20, 2006:

DEPARTMENT OF STATE

CINDY LOU COURVILLE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 20, 2006 withdrawing from further Senate consideration the following nominations:

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE FRANK D. YTURRIA, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.

JOHN E. MAUPIN, JR., OF TENNESSEE, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2010, VICE GERALD M. SHEA, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2005.

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON FEBRUARY 10, 2006.

EXTENSIONS OF REMARKS

HONORING BISHOP J. NEAUL HAYNES

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it gives me great pleasure to take this opportunity to recognize and congratulate the accomplishments of Bishop J. Neaul Haynes. A graduate of the University of North Texas, Bishop Haynes has a longstanding commitment to the ministry and the Oak Cliff community.

Prior to his appointment as Prelate of Texas Northeast Jurisdiction, Bishop Haynes served the Jurisdiction in many capacities. He became a member of the Texas Northeast Jurisdictional Trustee Board; appointed District Superintendent of the Dallas West District in 1967; began serving as Assistant to the Jurisdictional Secretary in 1969, and was appointed as Administrative Assistant to the Jurisdictional Bishop in 1973. J. Neaul Haynes was elevated to the episcopacy as Prelate of Texas Northeast Ecclesiastical Jurisdiction in 1978.

Bishop Haynes also served the Church of God in Christ on a National level in varied capacities. In 1972 became a member of the National Trustee Board, and from 1972 to 1984 he served as Assistant General Secretary/Registration. In 1984, Bishop Haynes was elected to serve as a member of the General Board (Presidium) of the Church of God in Christ, Inc. He became the Secretary of the General Board in November, 1988. In November 1995, Bishop Haynes ascended to the position of Second Assistant Presiding Bishop of the Church of God in Christ, Inc. And in April, 1997, Bishop Haynes was further promoted to the position of First Assistant Presiding Bishop of the Church of God in Christ Worldwide. In November, 2000, the Church of God in Christ elected a new Presiding Bishop, Bishop Gilbert E. Patterson. Bishop Haynes is now serving in the new administration as the Second Assistant Presiding Bishop of the Church of God in Christ.

Bishop Haynes's community involvement and civic contributions demonstrate that he is a man of great vision and excellence.

Mr. Speaker, it is an honor to stand before my colleagues on behalf of the citizens of Dallas to congratulate Bishop J. Neaul Haynes on his selfless dedication to the Saintsville Church of God in Christ and to the Oak Cliff community. May God bless Bishop Haynes and allow him to continue his service to those in need of faith, hope, and charity.

TRIBUTE TO SAINT GEORGE ROMANIAN ORTHODOX CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great enthusiasm and sincerity that I take this time to congratulate Saint George Romanian Orthodox Church as they join together in celebration of their 100th anniversary. The church, formerly of Indiana Harbor and now located in Lansing, Illinois, will be celebrating this exceptional milestone with festivities beginning on September 23, 2006, and continuing through the followmg day.

The cornerstone for Saint George's, laid in Indiana Harbor on November 4, 1906, represented the culmination of the efforts of the first Church Council, led by Father Moise Balea, President. These Council members, realizing the need for a church due to the growing Romanian population in Northwest Indiana, began fundraising efforts that eventually led to the completion of the first Saint George Rumanian Orthodox Church, dedicated on November 23, 1908, by the parish's first priest, the Reverend Father loan Tatu.

The Very Reverend Father Simion Mihaltian took the reins of Saint George's on June 20, 1908, and he remained the church's leader for an astonishing 55 years. Under Father Mihaltian's spirited guidance, Saint George's continued to grow. While fires posed challenges, the church continued to expand, relocating within the Indiana Harbor and adding a dining hall and, eventually, a school. Though he passed away on New Year's Eve in 1963, Father Mihaltian's impact on his parish continues to touch the lives of the members today. Father Mihaltian resonates today as a shining example of selfless service and unwavering commitment to the community.

From their modest beginnings, Saint George's has emerged as a pillar of the Romanian community. In 1976, Saint George's relocated to Lansing, Illinois, where it remains today. The move came under the leadership of the Very Reverend Father John Bugariu, who realized the need for more opportunities for its members and planned the construction of a recreation center. After serving the parish for 16 years, Father Bugariu, who had been named to the esteemed position of Archdiocesan Vicar, retired in 1979.

In 1979, Saint George's current leader, the Very Reverend Father loan Ionita, was named parish priest. A highly educated and esteemed member of the religious community, Father Ionita has faithfully served the parish for the past 27 years. A testament to his dedication and to the community's admiration of him, Father Ionita was appointed Vicar of the Archdiocese by Archbishop Nicolae Condrea in 2003.

The celebration of Saint George's 100th anniversary will begin on Saturday, September 23, 2006, with a hospitality night and will continue on Sunday, September 24, with a very special liturgy, presided over by Archbishop Nicolae Condrea. The liturgy will be followed by a gathering at the Wicker Park Social Hall in Highland, Indiana and will conclude with Saint George's Anniversary Banquet at the same location.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Saint George Romanian Orthodox Church on their 100th anniversary. Throughout the years, the clergy and members of Saint George's have dedicated themselves to providing spirituality and guidance through the protection of the Romanian Orthodox faith and traditions.

Their constant dedication and commitment is worthy of our admiration.

RECOGNIZING VIRGIL REYNOLDS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Virgil Reynolds, a very special man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

I join with your family and friends in expressing best wishes on your significant achievement. I commend you on attaining such a high honor and your supenor contributions to your community. Becoming recognized for your remarkable achievement reflects both your hard work and dedication. I am sure you will continue to hold such high standards in the future.

Mr. Speaker, I proudly ask you to join me in commending Virgil Reynolds for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Virgil in the United States House of Representatives.

INTRODUCING A RESOLUTION COMMENDING VILLA PARK POLICE DEPARTMENT UNDER THE DIRECTION OF VILLAGE PRESIDENT JOYCE STUPEGIA AND CHIEF OF POLICE JOHN J. PAYNE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. HYDE. Mr. Speaker, I rise today to commend the Villa Park Police Department under the direction of Village President Joyce

Stupegia and Chief of Police John J. Payne. The Department is constantly working to find ways to improve the level of service and renew their commitment to be better prepared to handle both manmade and natural emergencies that may arise. The September 11, 2001 attack on New York, as well as other attacks both here and abroad since then, demand that we prepare ourselves for emergency response levels that we had not previously thought necessary.

The outcome of this self-evaluation and the efforts to improve and enhance traditional police service for the community has resulted in many significant accomplishments. These changes have been implemented to create safer neighborhoods and build a more informed and involved public. A number of the community programs were made possible as a result of obtaining various State and Federal grant monies. The Police Department has been fortunate in this, as a number of these programs would not have been possible without these grant programs.

Listed below is a summary of programs that highlight what they have been working on during the last 2 years to develop useful, community orientated law enforcement programs that are relevant to the needs of the community. The members of the department have worked hard as a group to not only put these programs together, but also to see that they remain successful in their continued implementation.

Expansion of the Citizens Police Academy (CPA)—They have enhanced the academy by enrolling citizen graduates into an alumni association that receives ongoing law enforcement educational presentations.

Establishment of a Citizens Voluntary Emergency Response Team—This program educates graduates of our citizen police academy in disaster preparedness, training them in basic disaster response skills. They then have the opportunity to join a roster of volunteers that can be called upon to assist the police department as the need arises.

I.D.O.T. Mini-Alcohol Influence Grant—Received a grant in the amount of $28,000, which allowed the department to substantially increase their enforcement efforts of the impaired driver that included public awareness education as well.

School Emergency Response Plans—Established a working forum to include the police department and all school districts located in Villa Park to establish uniform protocols to follow in case of emergencies.

Inter-operable Communications—Enhanced our inter-communications capability with local schools through radio installations at the local schools allowing for direct contact with patrol officers, as well as with surrounding area police agencies.

School Mentoring Program—Officers volunteered their time to participate in school sponsored mentoring programs to establish better relationships with school age individuals and open up better lines of communication.

National Incident Management System (NIMS)—Completed NIMS training at various levels to be better prepared for the coordinated efforts needed during times of emergency and disasters.

Cultural Sensitivity and Awareness—Provided training to all members of the Police Department to better equip them when interacting with individuals of different cultures.

Illinois Law Enforcement Alarm System (ILEAS)—Became members of ILEAS, which is a state wide mutual aid/response system to provide assistance when needed. It was through this program that we sent two officers, a vehicle, and equipment/supplies to assist in Louisiana for two weeks during the Katrina Hurricane aftermath.

Tactical Weapon Acquisitions—Established membership with the Federal LESO surplus equipment acquisition program resulting in being able to upgrade tactical weapons at no cost, allowing for improved emergency response capability by our patrol officers.

Landlord Training Seminars—Established landlord training seminars to better educate landlords in the management of their property. This contributed to the reduction of gang and drug related incidents, and provided landlords with additional resources to improve the upkeep of the properties.

Operation Prom Night—Developed program Operation Prom Night, being an educational presentation; including graphic recreations of accidents to illustrate to high school level students the dangers of drinking and driving.

Senior and Law Enforcement Together (SALT) Group and the Elderly Service Officers Program—The department meets regularly with community seniors to address issues pertinent to senior citizens and continue to educate them as to the scams and dangers that are often directed toward their age group. They also maintain a unit of Elderly Services Officers that involves a select group of specially trained, state certified officers to assist our elderly community. It has a number of facets related to education, crime investigations, service referrals, and well being checks.

IDOT Extra Enforcement Efforts—The Department has been recognized by IDOT (Illinois Department of Transportation) on numerous occasions for our enforcement efforts to increase the use of passenger restraint systems in vehicles via the Click it or Ticket Campaigns and Seatbelt Enforcement Zones. The department received a $5,000 grant to aid us in this enforcement.

Public Education and Enforcement Research Program (PEERS)—Successful application for grant monies of $32,000 allowed for increased education and enforcement efforts to reduce the frequency of train and pedestrian accidents. The Police Department has been recognized as being a leader in our efforts to reduce the frequency of these types of accidents. Prior to this year the department developed and implemented this program without grant money assistance.

Radio Inter-operability Enhancement Radio Grant—Participated in a competitive grant process which provided the department $40,000 to obtain radio equipment to enhance our radio communications capabilities with other first responder agencies.

Illinois Traffic Safety Challenge Award Recipient—The Villa Park Police Department was recently recognized for its efforts in addressing traffic safety issues by the Illinois Chiefs of Police Association. The department achieved first place in the 26 to 50 sworn officers' category in this highly competitive program. They were also recognized with the prestigious President's Award, which recognizes the best overall agency in the state.

Alliance Against Intoxicated Motorists Award (AAIM)—The Department has been recently recognized by AAIM for its impaired driver's enforcement efforts and was the recipient of the Guardian Award. This award is to recognize the highest DUI arrest rate per officer in the state. We have received awards from AAIM consistently for a number of years now.

Roadside Safety Checks—As a part of their traffic safety efforts the Police Department operates Roadside Safety Checks in Villa Park and assists surrounding law enforcement in their safety checks. These are conducted randomly throughout each year.

Child Safety Seat Education Program—The department conducts child safety seat inspections/installations any time a request is made as well through roadside drive-through operations. The officers that manage this program have specific state certification training. This program includes a means to provide seats for those parents that can not afford one.

Night Vision Grant—Obtained a grant from the Department of Homeland Security, in the amount of $6,000, to acquire night vision equipment to enhance enforcement efforts during times of darkness.

Operation 64—The department works regularly with a number of police departments to provide for a coordinated traffic enforcement plan throughout an 11 mile stretch of highway in efforts to reduce the high traffic accident rate.

Mobile Command Center—Acquired a Mobile Command Center through the federal LESO Program surplus acquisition program to provide enhanced emergency responses, and community event operations.

D.A.R.E.—The department has one full time D.A.R.E. program certified officer. D.A.R.E. is a program that we have been very committed to since its inception in 1987 that teaches the dangers of drugs and alcohol to school age children.

Gang Resistance Education and Training Grant (G.R.E.A.T.)—They successfully applied for a grant in the amount of $7,800, which helps them to maintain their longstanding G.R.E.A.T. program providing increased education efforts to assist in reducing gang violence in the community.

Juvenile/Parent Traffic Notification—They are in the process of developing a parental notification system where if a minor (under 18 years of age) receives a traffic ticket, his/her parents are notified of this by certified mail.

NIPAS (Northern Illinois Police Alarm Service)—Unit is comprised of 99 adjoining communities; including Villa Park, that provide highly trained emergency service teams as well as specially trained officers to respond to civil disorders and disasters.

Railroad Safety—The department has initiated Operation Lifesaver. This provides Certified Instructors that teach a recognized course of instruction in the local school districts as well as working with public interest groups. The plan includes enforcement of railroad right-of-way trespass and gate crossing violations.

CIT—Crisis Intervention Teams—They are presently working with Mental Illness health provider groups to formally train selected officers of the department in the handling of mentally disturbed individuals. They will work as a team with the local mental health providers to improve our capabilities in recognizing and handling these types of calls.

Neighborhood Watch Groups—The department has officers assigned to assist residents to set up and maintain neighborhood watch

groups. A large part of the village now has neighborhood watch groups. Their goal is to have a group that every resident can be a part of. These watch groups act as the eyes and ears of their neighbors and the police. This allows them to meet regularly with representatives of the neighborhood to maintain open lines of communication.

Truck Enforcement—One full time officer enforces the laws regarding 2nd Division truck violations.

Major Traffic Crash Investigators—Consists of a team of highly trained officers, who received certification training through Northwestern University Traffic Institute. They are available 24 hours a day for call-out to conduct in-depth investigations on all serious personal injury and fatality crashes.

Major Crimes Task Force—They are a participating member of this multi jurisdictional task force that investigates all major crimes committed within the participant's jurisdictions.

Arson Investigation Unit—Created an Arson Investigation Unit within the police department, consisting of a state certified arson investigator. This unit also participates in a county wide arson task force.

Saved by the Belt Awards—The department recognizes citizens, who are involved in serious traffic accidents, who otherwise might have lost their lives if they had not been wearing their seatbelts.

Community Cultural Program—Local students, whose artwork is considered exceptional, can display their art in public surroundings.

Bulletproof Vest Partnership—The $2,500 competitive federal grant program provided funds to assist in the purchase of bulletproof vests for Law Enforcement Officers.

Tobacco Compliance Check Program—The department was awarded a grant in the amount of $4,290 from the Illinois Liquor Control Commission's Tobacco Program to assist them in policing the sale of tobacco products to minors.

Willowbrook High School Liaison Officer—The department assigns a full time officer to the high school to work directly, on a daily basis, with school administrators and students.

Automated External Defibrillator—The department purchased automated external defibrillators that are utilized on patrol by all officers. These officers are trained in the AED's use and respond to all potential medical emergencies that have the potential for the need of this device.

School Bus Safety Plan—This program has officers randomly follow school buses along their routes taking enforcement action on vehicles that pass in violation of the bus's warning signs. Also, upon receiving vehicle information from school bus drivers on these violations, warning letters are sent out to the vehicles owners.

The Police Department has been both proactive as well as reactive in their efforts to maintain a safe community through both education and enforcement. They are now better prepared to handle emergencies, both manmade and natural, but their work is not done. They will continue to search out new and innovative ways to provide quality services to the residents of Villa Park. While they are proud of these programs and accomplishments, they remain cognizant of the dedication of the many officers that daily provide traditional patrol and investigative services to the Village of Villa Park, Illinois.

STUDENT AND TEACHER SAFETY ACT OF 2006

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in strong opposition to the Student and Teacher Safety Act.

Two days after celebrating the anniversary of the signing of the Constitution, this House comes to the floor to debate a bill to limit the protections offered by the Fourth Amendment to students in our Nation's schools. This bill purports to make schools safer for our children and the employees of those schools. Instead it adds an unnecessary layer of bureaucracy that protects no one.

We make a mistake when we rely on randomized searches to prevent the abuse of drugs by children and ensure the peaceful resolution of conflict. Instead of focusing our efforts on educating our children about conflict resolution and engaging them in the decisions about their lives and futures, random searches assume all youth are the same. Searches of students' property may be right and entirely necessary in situations with reasonable evidence of wrongdoing. But randomized searches render all youth suspect and treat them as criminals. High expectations for our children may reap great rewards, but what will we sow with the expectation of deception?

We should rather focus our time and energy on equipping students with the tools and skills necessary to make responsible decisions about their lives. Our guidance must not be based on suspicion and an expectation of poor choices. An environment of distrust will not encourage students to seek out teachers or administrators when they are in trouble or need advice. It will not help students to develop strong character or stand up to negative peer pressure. Instead, it will only further isolate them from the teachers and advisors they see every day.

This bill will not make students and teachers safer. It will only create new divisions between them, I urge my colleagues to reject this bill.

ROFEH RECOGNIZES OUTSTANDING LEADERS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, for years now I have had the honor of sharing with our colleagues the news of the awards being presented by the organization ROFEH International—New England Chassidic Center. ROFEH International is an extremely important organization helping make the first-rate health facilities that are available in Boston to people who might not otherwise be able to benefit from them. The health profession constitutes one of the great assets of Greater Boston. It is at the same time an extraordinary source of benefit to those who receive the world-class treatment that is available, a major engine for our region's economy, and through the people it employs a significant contributor to the vibrant cultural life of our region. ROFEH International, ably led by its founder, Grand Rabbi Levi Horowitz, works closely with these institutions in many ways, and annually honors leaders in the health fields, both health professionals and those who have supported the important work that these health professionals do.

Mr. Speaker, this year the recipients are Dr. Robert M. Goldwyn and Mr. Michael P. Albert. Dr. Goldwyn receives the International Distinguished Service Award. Mr. Albert is the recipient of the ROFEH International-New England Chassidic Center ''Man of the Year'' award. Both are extremely well deserved, and reflect the commitment to both improving our health facilities and making them widely available that marks the work of ROFEH International.

Mr. Speaker, in the interests of sharing this news and perhaps inspiring others to take similar actions, I ask that the biographies of Dr. Goldwyn and Mr. Albert be printed here as examples of the people who work with project ROFEH and the good that they do.

ROBERT M. GOLDWYN, MD, ROFEH INTERNATIONAL DISTINGUISHED SERVICE AWARD

Dr. Robert M. Goldwyn is Clinical Professor of Surgery at the Harvard Medical School; Division of Plastic Surgery at the Beth Israel Deaconess Medical Center, Boston, Massachusetts.

Distinguished surgeon and educator, Dr. Robert M. Goldwyn has authored or coauthored more than 350 articles, more than 50 chapters and has edited many books. Dr. Goldwyn was among the first to perform experimental microsurgical transfer flaps and limb transplantation. Early in his career, he investigated the use of cryotherapy in the treatment of vascular tumors, of palliation of unresectable recurrent breast cancers of the chest wall. He developed new techniques for reduction mammoplasty, a major focus of his clinical activity. He was a founding member of Physicians for Social Responsibility and has written numerous articles on world peace, opposition to chemical and biological warfare, medical ethics, and medical history.

Awards include the Dieffenbach Medal, the Honorary Kazanjian Lectureship, the Special Achievement Award, and the Presidential Citation of the American Society of Plastic and Reconstructive Surgeons.

MICHAEL A. ALBERT, ROFEH INTERNATIONAL NEW ENGLAND CHASSIDIC CENTER MAN OF THE YEAR AWARD

Mr. Albert is Chairman and CEO of Harodite Industries, Inc. He is a prominent leader in the world of business. His involvements in the New England Jewish community has been the roles he played as Past Board Member Combined Jewish Philanthropies, Past President Temple Reyim, Past President of the Board of B'nai B'rith Hillel Foundation at Boston University, Board Member American Apparel and Footwear Association, Past President Etacol International, LTD, Past Chairman of the Advisory Board for the Ben Gurion/Boston University MSG Program in Israel, Past Board Member Associates Ben Gurian University of the Negev.

The Albert family continues to make landmark contributions in every aspect of the Jewish communal life and is well aware of the valuable work of ROFEH International and its positive impact on the entire Jewish community worldwide.

TRIBUTE TO GREG COOKE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in great sadness to pay tribute to my good friend and one of Texas' most outstanding public servants, Greg Cooke. Greg Cooke passed away recently at the age of 51.

Mr. Cooke served as the top ranking EPA official in the area that encompasses Texas, Louisiana, Arkansas, Oklahoma, and New Mexico.

Mr. Cooke was an outstanding and dedicated citizen, and his commitment to Texas was instrumental in developing clean air plans for both Dallas-Ft. Worth and Houston-Galveston in partnership with the State of Texas. These plans contained innovative provisions that incorporated economic incentives, as well as, traditional mandatory measures. His clean air plans also included development of an innovative ''compact'' to facilitate early compliance with EPA's upcoming 8-hour standard for such cities as Austin and San Antonio, Texas.

Mr. Cooke served as Regional Administrator of EPA Region VI for the past 4½ years. He was appointed to the post by President Clinton and was the only political appointee in the EPA retained by current President George W. Bush.

Greg Cooke exuded class—not only in the way he practiced law but also in the way he lived his life. He had a straight-ahead, just-the-facts writing style that belied his passion for environment.

Mr. Speaker, with Greg Cooke's passing, we have lost an impressive individual and a true leader. He championed the interests of Texas and environmental issues. Greg Cooke was a caring and compassionate man and a tremendous political leader and public servant. I extend my deepest sympathy to Greg Cooke's family.

TRIBUTE TO THE CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the joyous occasion of its 99th anniversary and Golden Member banquet on Sunday, September 24, 2006.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration includes a ceremonial appreciation of the Union's Golden Members, those who have achieved 50 years of membership. This year's honorees that have attained 50 years of membership include: Angeli Cirrincione, Barbara Demers, Rosemary Gard, Catherine Grcevich, Catherine Jelovcic, Elizabeth Lukacek, Nikola Majetic, Margaret J. Milos, Virginia A. Mostak, Ruth Jean Mrzlak, Rudolph J. Pavletich, Sandra Louise Regan, Luandre Rozmanich, Robert Lee Scott, Ann Louise Smoljan, Mary Ann Troksa, and Madeline Vukobratic.

These faithful and devoted individuals share this esteemed tribute with 482 additional Lodge members who have previously attained this significant designation.

This memorable day will begin with a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The Brace Tamburitza Orchestra will perform at this gala event. A formal dinner banquet in the afternoon will end the day's festivities.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in elevating the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed possibilities, admiration, and success for all members of the Croatian community and their families.

RECOGNIZING BROCK SMITH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brock Smith, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Brock has been very active with his troop, participating in many scout activities. Over the many years Brock has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Brock held the principal leadership position of Senior Patrol Leader and has actively supported the Southern Platte County Athletic Association in Kansas City, North.

Mr. Speaker, I proudly ask you to join me in commending Brock Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. HYDE. Mr. Speaker, on September 19, 2006, I was absent for votes for personal reasons. Had I been present, I would have voted: Vote No. 451, H. Con. Res. 210 Supporting Elimination of Cancer by 2015, ''yea''; Vote No. 452, H. Res. 622 Honoring Filipino World War II Veterans, ''yea''; Vote No. 453, H. Con. Res. 415 Condemning the Repression of the Iranian Baha'i Community, ''yea.''

IN HONOR AND RECOGNITION OF TOM McCAFFREY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Tom McCaffrey, beloved husband, devoted musician, and teacher to so many. Mr. McCaffrey dedicated his life to encouraging and inspiring Clevelanders and brought them that which they had never felt and taught them the joy, warmth, power and strength of Irish traditional music.

Mr. McCaffrey was born in 1916, in Mohill, County Leitrim, Ireland, where he worked on the family farm until coming to America in 1955. Mr. McCaffrey was unable to resist the allure of music and at 10 years of age he took up the fife and flute. After a year of flirtation with the woodwinds, Mr. McCaffrey found his true love and calling in the fiddle. For knowledge Mr. McCaffrey turned to his father, also a teacher and player of the fiddle, and sought all musicians who traveled through town. It was not long before he mastered the fiddle and with his fine, strong voice, Mr. McCaffrey was requested at local festivals and dances. In Cleveland, he teamed up with Tom Byrne, a master flute player and fellow inspirer, to record the album Irish Music From Cleveland. Mr. McCaffrey and Mr. Byrne had a lifelong friendship full of music and laughter.

At the age of 83, Mr. McCaffrey found his other great love, Alice Kelly. Mr. McCaffrey was known to always have a smile and story ready and never hesitated to share his wealth of knowledge or his music. Recorded at the Smithsonian Institute, Mr. McCaffrey's music will truly live on in those whom he taught and in the hearts of all that have heard him play.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mr. Tom McCaffrey, whose smile, charm, wit, and Irish wisdom will be remembered and shared and whose memory will live in the tunes and tales. I offer my deep condolences to his wife, Alice, to all his family and friends, and to the many who have been inspired and touched by all that he has given.

PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of real, comprehensive lobbying and earmark reform, and in opposition to H. Res. 1000. While Republican leaders claim that this legislation is earmark reform, major loopholes in their bill allow future boondoggles like the Alaskan Bridge to Nowhere to pass through Congress without full public scrutiny. Further, the bill abandons any lobbying reform to end the Republican culture of corruption—typified by the Jack Abramoff and Duke Cunningham scandals.

The Republican majority has allowed these scandals and pet projects to run rampant, underscoring the dire need for comprehensive

lobbying reform. According to the nonpartisan Congressional Research Service, since President Bush took office, federal spending on earmarks has more than doubled—from $33 billion in 2000 to $67 billion in 2006. Sadly, Republicans have failed to deliver on reform. On September 5th, a USA Today editorial said, ''Congress' answer to this ethics catastrophe has been a pair of competing measures in the House and Senate, which fall far short of what was promised in January but allow incumbents campaigning for re-election to claim they 'voted for lobbying reform.' ''

The reality is that H. Res. 1000 will not save one taxpayer dollar, will not remove a single earmark, and does not cover all earmarks. This sham reform bill is solely a symbolic effort to hide the fact that the Republican Majority has failed the Nation on fiscal matters.

I join my Democratic colleagues in supporting a true, comprehensive lobbying reform bill that would ban travel on corporate jets, prohibit lobbyist gifts, slow the revolving door between Capitol Hill and K Street, shut down the K Street project in which jobs in lobbying firms were traded for legislative favors; shine the light on earmarks so that special interest provisions cannot be slipped into bills without public scrutiny, and put an end to some of the procedural abuses that have flourished in the Republican-controlled House.

Democrats are fighting for these comprehensive reforms to ensure that Congress is held to the highest ethical standards. Corruption has come at great cost to the American people—from the cost of prescription drugs to the price at the pump.

Mr. Speaker, my fellow Democrats and I are fighting for a new direction, because Americans want and deserve the real reform that restores accountability, honesty and openness in Washington.

PROVIDING FOR CONSIDERATION OF H.R. 6061, SECURE FENCE ACT OF 2006

SPEECH OF

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. FOXX. Mr. Speaker, I rise today in strong support of H.R. 6061, the Secure Fence Act of 2006. This bill will help secure the border and stem the unrelenting flow of illegal aliens into this country by authorizing 700 miles of two-layered reinforced fencing, mandating the Department of Homeland Security to achieve and maintain operational control over the entire border through various methods such as ground sensors, cameras and surveillance technology. It also requires the Department of Homeland Security to provide necessary authority to Border Patrol agents to disable fleeing vehicles, similar to the authority granted to the U.S. Coast Guard.

The provisions in this bill will address our country's vulnerability and strengthen operational controls along our borders. Border fences have a proven success rate in drastically reducing the number of illegal aliens entering our country illegally. When enacted, this bill will dramatically reduce illegal immigration and make us safer.

I have long been committed to stopping the flow of illegal immigration and securing our porous borders. My constituents have made it clear to me they want our borders secure, our laws enforced and the flow of illegal immigration stopped immediately. The recent 22 immigration field hearings held across the country during the month of August yielded the same mandate from the American people, secure the borders now.

The amnesty provisions contained in the Senate-passed immigration reform measure earlier this year would encourage future illegal immigration and reward those who have violated America's laws with a quick and easy path to citizenship. There is more to be done in dealing with illegal immigration, but securing the borders must be the first step. America cannot afford to wait any longer and I will continue to push to secure our borders now.

HONORING PATRICIA HOLSINGER RYAN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today to honor Patricia Holsinger Ryan for her years of service to our Middle Tennessee community.

While Patricia recently passed away, we know her legacy is one of charity and dedication. We know that her memory lives on in our memories and in those who benefited from her good works.

Patricia was known for her compassion and care for those in Williamson County's senior homes and Alzheimer centers. She brought her warmth and compassion to those in need.

Her work with mistreated pets across the State meant homes for thousands of unwanted animals, and was yet another sign of Patricia's commitment to giving back more to her community than she took.

We won't forget Patricia and our community is a better place for her life and her work.

INTRODUCTION OF TAXPAYER PROTECTION FROM GENETIC DISCRIMINATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Taxpayer Protection from Genetic Discrimination Act. This bill ensures that no American taxpayer will be denied health care because of his or her genetic history by any agency of the federal government, a state or local government, or a government contractor. Some people have raised concerns that, while recent advances in genetic testing bring much hope of improved medical treatment, the increased use of genetic tests may also result in many people being denied access to health insurance, or even refused employment, because of their genetic history.

I recently met with some of my constituents who are concerned that people with polycentric kidney disease, which can be identified with a genetic test, often lose their insurance coverage because their insurance companies or employers discover they have polycentric kidney disease. Whatever long-term reforms designed to address this problem one favors, I hope that all my colleagues could agree that Congress should make sure that American citizens are not forced to subsidize government agencies or contractors who deny health insurance based on someone's genetic profile. I therefore hope all my colleagues support the Taxpayer Protection from Genetic Discrimination Act.

RECOGNIZING JAMES FRAZIER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize James Frazier, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. During his scouting tenure, James has earned the Philmont Scout Ranch Arrowhead, the BSA 50-Miler Patch, and the World Conservation Award.

Mr. Speaker, I proudly ask you to join me in commending James Frazier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF SATISH KUMAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Satish Kumar, for a lifetime dedicated to teaching and serving as an inspiration to all. Mr. Kumar has done more, seen more, accomplished more and walked more than most and has never ceased in bringing his message to others.

Mr. Kumar started as a Jain monk at the age of nine before being called to greater causes. At 18, Mr. Kumar sought to make Gandhi's vision of a renewed India and peaceful world a reality. To this end Mr. Kumar walked, more than 8,000 miles, from India to four nuclear powers: Russia, France, Britain and the United States, to bring the leader of each a bag of tea and a message of peace and understanding. Carrying no money, he crossed deserts, traversed mountains, withstood snow and was even thrown in jail. Though Herculean in scale, Mr. Kumar's quest was completed, the tea was delivered, and he is still working to bring the message of peace to the world.

Mr. Kumar settled in England in 1973 to become the editor of Resurgence magazine, a post he maintains to this day, as well as the

founder of the Small School in Hartland. The school focuses on combing education with ecological and spiritual values. In 1991, Mr. Kumar helped found Schumacher College, an international center for ecological studies, and serves as its Director of Programmes. Mr. Kumar has also co-founded Jain Spirit, an international magazine that provides insight and information on Jain values and teachings, and helped to etablish the School of the Seed, a college devoted to sustainable living in India. At 70, he still offers a weeklong course on Gandhian Values.

When Mr. Kumar was 50 years old he undertook another pilgrimage, once more with no money, he walked the holy sights in Britain, Glastonbury, Canterbury, Lindisfarne and Iona. In 2000, Mr. Kumar was awarded an Honorary Doctorate in Education from the University of Plymouth and in 2001 an Honorary Doctorate in Literature from the University of Lancaster. Mr. Kumar continues to teach, lecture, and run workshops on ecology, holistic education and voluntary simplicity and authors books on the same subjects.

Mr. Speaker and Colleagues, please join in honor, gratitude and recognition of Satish Kumar. His neverending quest to encourage and teach serves as an inspiration and his messages of world peace and simple living continues to affect the lives of many. I wish Mr. Kumar, his wife June Mitchell, and son, Mukti Kumar Mitchell, an abundance of health, peace and happiness as he continues his journey onward from here.

PERSONAL EXPLANATION

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. HARRIS. Mr. Speaker, on rollcall vote No. 451, had I been present I would have voted ''yea''; on rollcall vote No. 452, had I been present I would have voted ''yea''; on rollcall vote No. 453, had I been present I would have voted ''yea''.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 21, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:30 a.m.
Foreign Relations
To hold hearings to examine the nomination of Clyde Bishop, of Delaware, to be Ambassador to the Republic of the Marshall Islands.
SD–419

SEPTEMBER 26

9:30 a.m.
Judiciary
To hold hearings to examine how widespread is the problem and is there adequate criminal enforcement relating to illegal insider trading.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the New Basel Capital Accord.
SD–538

Veterans' Affairs
To hold hearings to examine the nomination of Robert T. Howard, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology); to be followed by a business meeting off the floor after the first roll call vote, to consider the nomination of Mr. Howard.
SR–418

10:45 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Federal government's implementation of pay for performance systems for its senior executives, focusing on the regulatory structure for the systems, the agency certification process, and the effectiveness of the role of the Office of Personnel Management in evaluating and monitoring these systems.
SD–342

2 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine uncollected taxes and issues of transparency relating to deconstructing the tax code, focusing on the 2006 updated estimate of the tax gap by the IRS, examine IRS efforts to close the tax gap as well as legislative solutions to increase tax payer compliance, and explore the transparency of the tax code.
SD–342

3 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the Shanghai Cooperation Organization and its impact on United States interests in Central Asia.
SD–538

3:15 p.m.
Commerce, Science, and Transportation
Foreign Relations
To hold joint hearings to examine International Polar Year.
SR–253

SEPTEMBER 27

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce, and Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States.
SD–538

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine new technologies to improve care for people with diabetes and reduce the burden on the health care system, focusing on the development of an artificial pancreas.
SD–342

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, S. 3854, to designate certain land in the State of Oregon as wilderness, H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon.
SD–628

2:30 p.m.
Health, Education, Labor, and Pensions
Bioterrorism and Public Health Preparedness Subcommittee
To hold hearings to examine measures to improve emergency medical care.
SD–430

3 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold an oversight hearing to examine United States refugee admissions and policy.
SD–226

SEPTEMBER 28

9:30 a.m.
Armed Services
To hold hearings to examine issues relating to military voting and the Federal Voting Assistance Program.
SH–216

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine new aircraft in the National Airspace System.
SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9737–S9857

Measures Introduced: Two bills and three resolutions were introduced, as follows: S. 3914–3915, and S. Res. 575–577 **Page S9787**

Measures Reported:

S. 2912, to establish the Great Lakes Interagency Task Force, to establish the Great Lakes Regional Collaboration, with an amendment. (S. Rept. No. 109–338)

S. 3551, to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, with an amendment. (S. Rept. No. 109–339)

S. 3617, to reauthorize the North American Wetlands Conservation Act. (S. Rept. No. 109–340)

H.R. 5061, to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia. (S. Rept. No. 109–341)

H.R. 854, to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe. (S. Rept. No. 109–342)

S. 1535, to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, with an amendment in the nature of a substitute. (S. Rept. No. 109–343)

S. 374, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River, with an amendment in the nature of a substitute. (S. Rept. No. 109–344) **Pages S9785–86**

Measures Passed:

Red Ribbon Week: Senate agreed to S. Res. 576, supporting the goals of Red Ribbon Week. **Page S9848**

National Good Neighbor Day: Senate agreed to S. Res. 577, designating September 24, 2006, as "National Good Neighbor Day". **Pages S9848–49**

Code Talkers Recognition Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1035, to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States, and the bill was then passed. **Pages S9850–52**

Livestock Mandatory Reporting Act Reauthorization: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 3408, to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act, and the bill was then passed, clearing the measure for the President. **Pages S9852–53**

Secure Fence Act: Senate resumed consideration of the motion to proceed to consideration of H.R. 6061, to establish operational control over the international land and maritime borders of the United States. **Pages S9739–46**

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 94 yeas (Vote No. 252), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill **Page S9746**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10 a.m. on Thursday, September 21, 2006; provided further, that notwithstanding the adjournment of the Senate, all time count against the motion under Rule XXII. **Page S9853**

Children and Family Services Improvement Act—House Message: Senate concurred in the amendments of the House of Representatives to S. 3525, to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, with the following amendments: **Pages S9849–50**

McConnell (for Grassley) Amendment No. 5024 (to the amendment of the House to S. 3525), in the nature of a substitute. Page S9850

McConnell (for Grassley) Amendment No. 5025 (to the amendment of the House to the title of S. 3525), to amend the title. Page S9850

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany Extradition Treaty with Great Britain and Northern Ireland (Treaty Doc. 108–23) (Ex. Rept. 109–19). Pages S9786–87

Nominations Confirmed: Senate confirmed the following nominations:

Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador.

Barbara Boxer, of California, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Norman B. Coleman, of Minnesota, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.) Pages S9853, S9857

Nominations Received: Senate received the following nominations:

Mark J. Warshawsky, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2012.

Dana K. Bilyeu, of Nevada, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2010.

Barbara Boxer, of California, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

Norman B. Coleman, of Minnesota, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

Cecil E. Floyd, of South Carolina, to be an Alternate Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2010. (Reappointment).

Gary C. Bryner, of Utah, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

Thomas Joseph Dodd, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010.

John P. Salazar, of New Mexico, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Thomas A. Shannon, Jr., of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012. (Reappointment).

2 Army nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Coast Guard. Page S9857

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Nadine Hogan, of Florida, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008, which was sent to the Senate on January 24, 2005.

John E. Maupin, Jr., of Tennessee, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2010, which was sent to the Senate on September 6, 2005.

Nadine Hogan, of Florida, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008 (Recess Appointment), which was sent to the Senate on February 10, 2006. Page S9857

Messages From the House: Page S9785

Measures Referred: Page S9785

Measures Read First Time: Pages S9785, S9853

Executive Reports of Committees: Pages S9786–87

Additional Cosponsors: Pages S9787–88

Statements on Introduced Bills/Resolutions: Pages S9788–92

Additional Statements: Pages S9783–85

Amendments Submitted: Pages S9792–S9820

Authorities for Committees to Meet: Page S9820

Record Votes: One record vote was taken today. (Total—252) Page S9746

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:42 p.m., until 9:30 a.m., on Thursday, September 21, 2006. (For Senate's program, see

the remarks of the Acting Majority Leader in today's Record on page S9853.)

Committee Meetings

(Committees not listed did not meet)

NON-TRADITIONAL MORTGAGE PRODUCTS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, and the Subcommittee on Economic Policy, concluded a joint hearing to examine issues relating to non-traditional mortgages and their implications for consumers, financial institutions, and the economy, after receiving testimony from Orice M. Williams, Director, Financial Markets and Community Investments, Government Accountability Office; Kathryn E. Dick, Deputy Comptroller for Credit and Market Risk, Office of the Comptroller of the Currency, and Scott M. Albinson, Managing Director, Examinations, Supervision and Consumer Protection, Office of Thrift Supervision, both of the Department of the Treasury; Sandra F. Braunstein, Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System; Sandra L. Thompson, Acting Director, Division of Supervision and Consumer Protection, Federal Deposit Insurance Corporation; Robert D. Broeksmit, Mortgage Bankers Association, and Allen J. Fishbein, Consumer Federation of America, and National Consumer Law Center, both of Washington, D.C.; George Hanzimanolis, National Association of Mortgage Brokers, Tannersville, Pennsylvania; William A. Simpson, Republic Mortgage Insurance Company, Winston-Salem, North Carolina, on behalf of the Mortgage Insurance Companies of America; Michael D. Calhoun, Center for Responsible Lending, Durham, North Carolina; and Felecia A. Rotellini, Arizona Superintendent of Financial Institutions, Phoenix.

INTERNET GOVERNANCE

Committee on Commerce, Science, and Transportation: Subcommittee on Trade, Tourism, and Economic Development concluded a hearing to examine the future of the Internet Corporation for Assigned Names and Numbers (ICANN) relating to Internet governance, focusing on the Memorandum of Understanding between ICANN and the Department of Commerce, after receiving testimony from John M.R. Kneuer, Acting Assistant Secretary of Commerce for Communications and Information; Jon Leibowitz, Commissioner, Federal Trade Commission; Paul Twomey, Internet Corporation for Assigned Names and Numbers, Marina del Rey, California; Ken Silva, VeriSign, Mountain View, California; and Christine N. Jones, Go Daddy Group, Inc., Scottsdale, Arizona.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nomination of Mary E. Peters, of Arizona, to be Secretary of Transportation, after the nominee, who was introduced by Senators McCain and Kyl, testified and answered questions in her own behalf.

ASIA-PACIFIC PARTNERSHIP

Committee on Environment and Public Works: Committee concluded a hearing to examine approaches embodied in the Asia-Pacific Partnership on Clean Development and Climate (the Partnership), which is a Presidential initiative to establish an innovative public-private collaboration for addressing the interconnected challenges of assuring economic growth and development, poverty eradication, energy security, pollution reduction, and mitigating climate change, after receiving testimony from James L. Connaughton, Chairman, Council on Environmental Quality; Bjorn Lomborg, Copenhagen Business School, Copenhagen, Denmark; David D. Doniger, Natural Resources Defense Council, New York, New York; and E. Calvin Beisner, Knox Theological Seminary, Fort Lauderdale, Florida.

BUSINESS TAX REFORM

Committee on Finance: Committee concluded a hearing to examine objectives, deficiencies, and options for reform relating to business tax system, focusing on the benefits of simplification and increased uniformity of the federal tax code, after receiving testimony from David M. Walker, Comptroller General of the United States, Government Accountability Office; Robert J. Carroll, Deputy Assistant Secretary of the Treasury for Tax Analysis; Charles O. Rossotti, Carlyle Group, and Thomas S. Neubig, Ernst and Young, LLP, both of Washington, D.C.; David L. Bernard, Kimberly-Clark Corporation, Neenah, Wisconsin, on behalf of the Tax Executives Institute, Inc.; and Jeff Johanneson, RSM McGladrey, Inc., Des Moines, Iowa.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Donald Y. Yamamoto, of New York, to be Ambassador to the Federal Democratic Republic of Ethiopia, after the nominee testified and answered questions in his own behalf.

NATIONAL SECURITY PERSONNEL SYSTEM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the role of the Office of Personnel Management in the implementation of the Department of Defense National Security Personnel System (NSPS), focusing on the initial phase of the NSPS implementation which is known as Spiral 1.1, after receiving testimony from Gordon England, Deputy Secretary of Defense; Linda M. Springer, Director, Office of Personnel Management; and Lieutenant General Terry L. Gabreski, Vice Commander, Air Force Materiel Command, U.S. Air Force.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 2322, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly;

S. 1531, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls;

S. 3771, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act;

H.R. 5074, to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury; and

The nominations of Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor, Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities, Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors, of the Corporation for National and Community Service, Roger L. Hunt, of Nevada, and John E. Kidde, of California, each to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation, Lauren M. Maddox, of Virginia, to be Assistant Secretary of Education for Communications and Outreach, Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board, Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board, Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, Peter W. Tredick, of California, to be a Member of the National Mediation Board, and 256 nominations in the Public Health Service Corps.

TRIBAL SELF-GOVERNANCE

Committee on Indian Affairs: Committee concluded an oversight hearing to examine Indian tribal self-governance programs, focusing on obstacles and impediments to tribal sovereignty and self-determination, after receiving testimony from George T. Skibine, Acting Deputy Assistant Secretary of Policy and Economic Development for Indian Affairs, and Ken Reinfeld, Acting Director, Office of Self-Governance, both of the Department of the Interior; Delia M. Carlyle, Ak-Chin Indian Community Council, Maricopa, Arizona; Floyd Jourdain, Jr., Red Lake Band of Chippewa Indians of Minnesota, Red Lake; Melanie Benjamin, Mille Lacs Band of Ojibwe, Onamia, Minnesota; and W. Ron Allen, Jamestown S'Klallam Tribe, Sequim, Washington.

REPORTERS' PRIVILEGE LEGISLATION

Committee on the Judiciary: Committee concluded a hearing to examine preserving effective Federal law enforcement relating to reporters' privilege legislation, focusing on S. 2831, to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice, after receiving testimony from Paul J. McNulty, Deputy Attorney General, Department of Justice; Steven D. Clymer, Cornell Law School, Ithaca, New York; and Theodore B. Olson, Gibson, Dunn, and Crutcher, Victor E. Schwartz, Shook, Hardy, and Bacon, LLP, and Bruce A. Baird, Covington and Burling, LLP, all of Washington, D.C.

THE NINTH CIRCUIT

Committee on the Judiciary: Committee concluded a hearing to examine the legislative proposals to restructure the United States Court of Appeals for the Ninth Circuit, focusing on S. 1845, to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, after receiving testimony from Senators Murkowski, Boxer, Ensign, and Baucus; former Senator Pete Wilson, Bingham Consulting Group, Los Angeles, California; Rachel L. Brand, Assistant Attorney General, Office of Legal Policy, Department of Justice; Mary M. Schroeder, Chief Judge, and Richard C. Tallman, Sidney R. Thomas, Diarmuid F. O'Scannlain, each a Circuit Judge, U.S. Court of Appeals for the Ninth Circuit; John M. Roll, Chief District Judge, U.S. District Court for the District of Arizona; John C. Eastman, Chapman University School of Law, Anaheim, California; and William H.

Neukom, Preston Gates and Ellis, LLP, Seattle, Washington.

AMERICAN LEGION

Committee on Veterans Affairs: Committee concluded a hearing to examine the legislative presentation of the American Legion, after receiving testimony from Paul A. Morin, American Legion, Washington, D.C., who was accompanied by several of his associates.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 6113–6129; and 11 resolutions, H. Res. 1017, 1019–1028 were introduced.

Pages H6845–46

Additional Cosponsors: **Pages H6846–47**

Report Filed: A report was filed today as follows:

H. Res. 1018, providing for consideration of H.R. 4830, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; for consideration of H.R. 6094, to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime; and for consideration of H.R. 6095, to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures (H. Rept. 109–671). **Page H6845**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Donald W. Wuerl, Archbishop of Washington. **Page H6737**

Federal Election Integrity Act of 2006: The House passed H.R. 4844, amended, to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, by a yea-and-nay vote of 228 yeas to 196 nays, Roll No. 459.

Pages H6742–56, H6765–85

Agreed to amend the title so as to read: "To amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.". **Page H6785**

Pursuant to the rule, the amendment in the nature of a substitute as reported by the Committee on House Administration shall be considered as adopted. **Page H6785**

Rejected Ms. Millender-McDonald motion to recommit the bill to the Committee on House Administration with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 196 yeas to 225 nays, Roll No. 458. **Pages H6782–85**

Earlier, Representative McDermott raised a point of order against consideration of H. Res. 1015 pursuant to section 426 of the Congressional Budget Act of 1974 dealing with unfunded mandates. Representative McDermott then identified the language in the resolution on which he based the point of order. Subsequently and pursuant to section 426(b)(3) of the Act, the House agreed to consider the resolution by a yea-and-nay vote of 213 yeas to 190 nays, Roll No. 454. **Pages H6742–45**

H. Res. 1015, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 223 yeas to 196 nays, Roll No. 456, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 194 nays, Roll No. 455.

Pages H6755–56

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on yesterday, Tuesday, September 19th:

Recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906: H. Res. 942, to recognize the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906, by a ⅔ yea-and-nay vote of 413 yeas to 2 nays with 2 voting "present", Roll No. 457; and

Pages H6756–57

Condemning human rights abuses by the Government of the Islamic Republic of Iran and expressing solidarity with the Iranian people: H. Res. 976, to condemn human rights abuses by the Government of the Islamic Republic of Iran and expressing solidarity with the Iranian people, by a 2/3 yea-and-nay vote of 408 yeas to 10 nays with 2 voting "present", Roll No. 460; **Page H6786**

Suspensions: The House agreed to suspend the rules and pass the following measures:

National Oceanic and Atmospheric Administration Act: H.R. 5450, amended, to provide for the National Oceanic and Atmospheric Administration; **Pages H6757–65**

Wichita Project Equus Beds Division Authorization Act of 2005: S. 1025, to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas", to authorize the Equus Beds Division of the Wichita Project—clearing the measure for the President; **Pages H6793–94**

Tylersville Fish Hatchery Conveyance Act: H.R. 4957, amended, to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania; **Pages H6794–97**

Agreed to amend the title so as to read: "To direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.". **Page H6797**

Partners for Fish and Wildlife Act: S. 260, to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program—clearing the measure for the President; **Pages H6797–99**

City of Oxnard Water Recycling and Desalination Act of 2005: H.R. 2334, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters water in the area of Oxnard, California; **Pages H6799–H6800**

Agreed to amend the title so as to read: "To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.". **Page H6800**

Repealing a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California: H.R. 4653, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; **Pages H6804–05**

Pets Evacuation and Transportation Standards Act of 2006: H.R. 3858, amended, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency. The House agreed to the Senate amendment—clearing the measure for the President; **Pages H6806–08**

Designating the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building": H.R. 4768, to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building"; **Pages H6808–09**

Benjamin Franklin Tercentenary Commission Act of 2005: H.R. 4586, amended, to extend the authorization of the Benjamin Franklin Tercentenary Commission; and **Pages H6809–10**

Agreed to amend the title so as to read: "To extend the life of the Benjamin Franklin Tercentenary Commission.". **Page H6810**

Designating the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Fletcher Post Office Building": H.R. 5664, amended, to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Fletcher Post Office Building". **Pages H6810–12**

Agreed to amend the title so as to read: "To designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building".". **Page H6812**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures is expected to resume at a later date.

Military Personnel Financial Services Protection Act: S. 418, to protect members of the Armed Forces

from unscrupulous practices regarding sales of insurance, financial, and investment products; and

Pages H6786–92

Appalachian Regional Development Act Amendments of 2006: S. 2832, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965. **Pages H6800–04**

Commission Resignation: Read a letter from Representative Ney wherein he resigned from the Franking Commission, effective today. **Page H6812**

Discharge Petition: Representative Doggett moved to discharge the Committee on Rules from the consideration of H. Res. 987, providing for consideration of the bill (H.R. 147) to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions (Discharge Petition No. 15).

Senate Message: Message received from the Senate today appear on pages H6822–23.

Senate Referral: S. 1035 was held at the desk.

Page H6822

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings today and appear on pages H6745, H6755, H6756, H6756–57, H6784–85, H6785 and H6786. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:55 p.m.

Committee Meetings

FEDERAL FARM POLICY

Committee on Agriculture: Held a hearing to review Federal Farm Policy. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES; SUBPOENAS

Committee on Energy and Commerce: Ordered reported, as amended, the following measures to be introduced: the National Institutes of Health Reform Act of 2006; and the Ryan White HIV/AIDS Treatment Modernization Act of 2006.

The Committee ordered reported the following measures: H.R. 5533, amended, Biodefense and Pandemic Vaccine and Drug Development Act of 2006; H.R. 3248, amended, Lifespan Respite Care Act of 2005; H.R. 971, To extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut; S. 176, To extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; S. 244, To extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming; H.R. 4377, To extend the time required for construction of a hydroelectric project; and H.R. 4417, To provide for the reinstatement of a license for a certain Federal Energy Regulatory project.

The Committee also approved a resolution authorizing the issuance of subpoenas in connection with the Committee's investigation into data brokering, including its investigation into the Hewlett-Packard situation, and related matters; and a resolution authorizing the issuance of subpoenas in connection with the Committee's investigation into the sexual exploitation of children over the Internet, and related matters.

STATE REGULATION OF INSURER INVESTMENTS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Improving Transparency in State Regulation of Insurer Investments." Testimony was heard from public witnesses.

FUTURE NUCLEAR PLANTS AND HYDROGEN PRODUCTION

Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled "The Next Generation Nuclear Plant and Hydrogen Production: A Critical Status Report." Testimony was heard from Jim Wells, Director, Natural Resources and Environment, GAO; and public witnesses.

FEDERAL EXECUTIVE AND JUDICIAL COMPENSATION

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled "Executive and Judicial Compensation in the Federal Government (Quadrennial Commission)." Testimony was heard from David M. Walker, Comptroller General; D. Brock Hornby, Judge, U.S. District Court, District of Maine, and Chairman, Judicial Branch, Committee of the Judicial Conference of the United States; Philip M. Pro, Chief Judge, U.S. District Court, District of Nevada; Sean O'Keefe, former Administrator, NASA; and a public witness.

HISTORIC PRESERVATION AND COMMUNITY DEVELOPMENT

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled "Historic Preservation and Community Development: Why Cities and Towns Should Look to the Past as the Key to Their Future." Testimony was heard from John Fowler, Executive Director, Advisory Council on Historic Preservation; Janet Snyder Matthews, Associate Director, Cultural Resources, National Park Service, Department of the Interior; Edward Sanderson, Executive Director; Historical

Preservation and Heritage Commission, State of Rhode Island; and public witnesses.

RADICALIZATION AND TERRORISM THREATS

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled ''The Homeland Security Implications of Radicalization.'' Testimony was heard from Randall Blake, al Qa'ida Group Chief, National Counterterrorism Center; Don Van Duyn, Assistant Director, Counterterrorism Division, FBI, Department of Justice; Javed Ali, Senior Intelligence Officer, Department of Homeland Security; and public witnesses.

AFGHANISTAN: FIVE YEARS AFTER 9/11

Committee on International Relations: Held a hearing on Afghanistan: Five Years After 9/11, Part I. Testimony was heard from Antonio Maria Costa, Executive Director, Office of Drugs and Crime, United Nations; and public witnesses.

DETERIORATING PEACE IN SUDAN

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on the Deteriorating Peace in Sudan. Testimony was heard from Michael Hess, Assistant Administrator, Bureau of Democracy, Conflict Assistance and Humanitarian Affairs, U.S. Agency for International Development, Department of State; and public witnesses.

RESOLUTION COMMENDING UNITED KINGDOM'S EFFORTS IN WAR ON TERROR; SERBIA ISSUES AND FUTURE

Committee on International Relations: Subcommittee on Europe and Emerging Threats ordered reported H. Res. 989, Commending the United Kingdom for its efforts in the War on Terror.

The Subcommittee also held a hearing on Serbia: Current Issues and Future Direction. Testimony was heard from Daniel P. Serwer, Vice President, Center for Post-Conflict Peace and Stability Operations, Centers of Innovation, U.S. Institute of Peace; and public witnesses.

MILITARY COMMISSIONS ACT OF 2006; ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Committee on the Judiciary: Ordered reported the following bills H.R. 6054, Military Commissions Act of 2006; and H.R. 5825, amended, Electronic Surveillance Modernization Act.

MINERAL COMMODITY INFORMATION ADMINISTRATION

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 6080, to establish the Mineral Commodity Information Agency within the Department of the Interior. Testimony was heard from public witnesses.

COMMUNITY PROTECTION ACT OF 2006 IMMIGRATION LAW ENFORCEMENT ACT OF 2006 BORDER PREVENTION ACT OF 2006

Committee on Rules: Granted, by voice vote a closed rule providing for consideration of H.R. 4830, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points or order against consideration of the bill. The rule provides one motion to recommit H.R. 4830.

The rule further provides for consideration of H.R. 6094, to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime, under a closed rule. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides one motion to recommit H.R. 6094.

The rule further provides for consideration of H.R. 6095, to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures, under a closed rule. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points or order against consideration of the bill. The rule provides one motion to recommit H.R. 6095. Testimony was heard from Representatives Hostettler and Jackson-Lee of Texas.

CLIMATE CHANGE TECHNOLOGY PROGRAMS

Committee on Science: Subcommittee on Energy held a hearing on Department of Energy's Plan for Climate Change Technology Programs. Testimony was heard

from Stephen D. Eule, Director, U.S. Climate Change Technology Program, Department of Energy; and public witnesses.

INTERNATIONAL POLAR YEAR

Committee on Science: Subcommittee on Research held a hearing on International Polar Year: The Scientific Agenda and Federal Role. Testimony was heard from Arden Bement, Director, NSF; and public witnesses.

MISCELLANEOUS MEASURES; SURVEY RESOLUTIONS

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 1105, amended, Dam Rehabilitation and Repair Act of 2005; H.R. 4981, amended, Dam Safety Act of 2006; H.R. 5026, To designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andres Toro Building;" H.R. 1556, To designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the "Clyde S. Cahill Memorial Park;" H.R. 5606, To designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas as the "William M. Steger Federal Building and United States Courthouse;" H.R. 2322, To designate the Federal building located at 320 North Main Street in McAllen, Texas, as the "Kika de la Garza Federal Building;" H.R. 4126, amended, Chesapeake Bay Restoration Enhancement Act of 2005; H.R. 5546, amended, To designate the U.S. courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr., Federal Courthouse;" and H.R. 6051, amended, To designate the Federal building located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building."

The Committee also approved U.S. Army Corps of Engineers Survey Resolutions; and GSA Capital Investment and Leasing Program Resolutions for Fiscal Year 2007.

FAA SAFETY PROGRAMS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing entitled "Oversight of Federal Aviation Administration Safety Programs." Testimony was heard from the following officials of the Department of Transportation: Nicholas Sabatini, Associate Administrator, Aviation Safety, FAA; and Todd Zinser, Acting Inspector General; Thomas Haueter, Deputy Director, Office of Aviation Safety, National Transportation Safety Board; and Gerald Dillingham, Director, Physical Infrastructure Issues, GAO.

OVERSIGHT—VETERANS FISCAL YEAR REVIEW

Committee on Veterans' Affairs: Held an oversight hearing to review the previous fiscal year and look ahead to the upcoming year. Testimony was heard from representatives of veterans organizations.

Hearings continue tomorrow.

ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Permanent Select Committee on Intelligence: Ordered reported, as amended, H.R. 6825, Electronic Surveillance Modernization Act.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 21, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to resume hearings to examine progress of the Capitol Visitor Center construction, 10:30 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up an original bill to reauthorize the Export-Import Bank of the United States, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Warren Bell, of California, Chris Boskin, of California, and David H. Pryor, of Arkansas, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation, Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, Collister Johnson, Jr., of Virginia, to be Administrator of the Saint Lawrence Seaway Development Corporation, Sharon Lynn Hays, of Virginia, to be an Associate Director of the Office of Science and Technology Policy, and Cynthia A. Glassman, of Virginia, to be Under Secretary of Commerce for Economic Affairs, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the nomination of Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, Department of the Interior, 10 a.m., SD–628.

Subcommittee on Water and Power, to hold hearings to examine S. 1106, to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized, S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, S. 3522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of

2000 to authorize appropriations for fiscal years 2006 through 2012, S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska, S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and H.R. 3897, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project, 2:30 p.m., SD–628.

Committee on Environment and Public Works: business meeting to consider H.R. 1463, to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building'', and the nominations of Roger Romulus Martella, Jr., of Virginia, to be an Assistant Administrator, and Alex A. Beehler, of Maryland, to be Inspector General, both of the Environmental Protection Agency, William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, and Brigadier General Bruce Arlan Berwick, United States Army, Colonel Gregg F. Martin, United States Army, Brigadier General Robert Crear, United States Army, and Rear Admiral Samuel P. De Bow, Jr., NOAA, each to be a Member of the Mississippi River Commission, and other pending committee business, 10:15 a.m., SD–406.

Committee on Finance: to hold hearings to examine the nominations of Robert K. Steel, of Connecticut, to be an Under Secretary of the Department of the Treasury, and John K. Veroneau, of Virginia, to be a Deputy United States Trade Representative, with the Rank of Ambassador, 10:30 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the purpose and impact of the transition from coalition to ISAF command in Afghanistan, 9:30 a.m., SD–419.

Committee on the Judiciary: business meeting to consider the nominations of Terrence W. Boyle, of North Carolina, and William James Haynes II, of Virginia, each to be a United States Circuit Judge for the Fourth Circuit, Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit, Peter D. Keisler, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, William Gerry Myers III, of Idaho, and Norman Randy Smith, of Idaho, each to be a United States Circuit Judge for the Ninth Circuit, Valerie L. Baker, of California, and Philip S. Gutierrez, of California, each to be a United States District Judge for the Central District of California, Francisco Augusto Besosa, to be United States District Judge for the District of Puerto Rico, Nora Barry Fischer, to be United States District Judge for the Western District of Pennsylvania, Gregory Kent Frizzell, to be United States District Judge for the Northern District of Oklahoma, Marcia Morales Howard, to be United States District Judge for the Middle District of Florida, John Alfred Jarvey, to be United States District Judge for the Southern District of Iowa, Sara Elizabeth Lioi, to be United States District Judge for the Northern District of Ohio, Lawrence Joseph O'Neill, to be United States District Judge for the Eastern District of California, and Lisa Godbey Wood, to be United States District Judge for the Southern District of Georgia, and to mark up certain pending legislation, 9:30 a.m., SD–226.

Subcommittee on Corrections and Rehabilitation, to hold an oversight hearing to examine Federal assistance for prisoner rehabilitation and reentry into our states, 2:30 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine savings for seniors and Medicare relating to increasing generic drug use, 10 a.m., SD–562.

House

Committee on Agriculture, to consider the following measures: H. Con. Res. 424, Expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; H.R. 4559, To provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade counties, Wisconsin; H.R. 5103, To provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property; and H.R. 5313, Open Space and Farmland Preservation Act, 9:30 a.m., 1300 Longworth.

Subcommittee on General Farm Commodities and Risk Management, hearing to review Federal Farm Policy, 10 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Tactical Air and Land Forces, hearing on Combat Vehicle Active Protection Systems, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing entitled ''No Child Left Behind: How Can We Increase Parental Awareness of Supplemental Education Services?'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Deleting Commercial Child Pornography Sites From the Internet: The U.S. Financial Industry's Efforts To Combat This Problem,'' 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet and the Subcommittee on Commerce, Trade, and Consumer Protection, joint hearing entitled "ICANN Internet Governance: Is It Working?" 2 p.m., 2123 Rayburn.

Committee on Government Reform, to consider the followed bills: H.R. 4720, To designate the facility of the United State Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building;" H.R. 5108, To designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building;" H.R. 5857, To designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building;" H.R. 5883, Drake Well Sesquicentennial Commemoration Act; H.R. 5923, To designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office;" H.R. 6075, To designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Postal Office Building;" H. Con. Res. 471, Congratulating the Professional Golfer's Association of America on its 90th anniversary and commending the members of The Professional Golfers' Association of America and The PGA Foundation for the charitable contributions they provide to the United States; H. Con. Res. 473, Supporting the goals and ideals of Gynecologic Cancer Awareness Month; H. Res. 402, Supporting the goals and ideals of Infant Mortality Awareness Month; H. Res. 748, Recognizing the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War; H. Res. 973, Recognizing Financial Planning Week, recognizing the significant impact of sound professional planning on achieving life's goals, and honoring families and the financial planning profession for their adherence and dedication to the financial planning process; H. Res. 974, Supporting the goals and ideals of National Myositis Awareness Day; H. Res. 991, Congratulating the Columbus Northern Little League Baseball Team from Columbus, Georgia, on its victory in the 2006 Little League World Series Championship games; H.R. 1472, To designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building;" H.R. 5685, To designate the facility of the United States Postal Service located at 19 Front Street in Patterson, New York, as the "D. Mallory Stephens Post Office;" H.R. 5989, To designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building;" H.R. 5990, To designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building;" H.R. 6078, To designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building;" H.R. 6102, To designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building;" H. Res. 745, Supporting the goals and ideals of Pancreatic Cancer Awareness Month; and H.R. 960, Federal Law Enforcement Pension Adjustment Equity Act of 2005; followed by a hearing entitled "Climate Change Technology Research: Do We Need a 'Manhattan Project' for the Environment," 10 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled "Police as First Preventers: Local Strategies in the War on Terror," 2 p.m., 1310 Longworth.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on America and Asia in a Changing World, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H. Res. 916, Impeaching Manuel L. Real, judge of the United States District Court for the Central District of California, for high crimes and misdemeanors, 9 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Western Hemisphere of the Committee on International Relations, joint hearing on the Need for European Assistance to Colombia for the Fight against Illicit Drugs, 11:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, hearing on H.R. 4315, to amend the Acts popularly known as the Duck Stamp Act and the Wetland Loan Act to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, oversight hearing on the San Joaquin River Restoration Settlement Act, 10 a.m., 1324 Longworth.

Committee on Science, hearing on Research on Environmental and Safety Impacts of Nanotechnology: What Are the Federal Agencies Doing? 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, to continue oversight hearings to review the previous fiscal year and look ahead to the upcoming year, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, to mark up H.R. 4511, Flex Health Savings Accounts Act of 2005, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Global "Updates/Hotspots," 9 a.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on DOD HUMINT Way Ahead, 10 a.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, September 21

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of the motion to proceed to consideration of H.R. 6061, Secure Fence Act. Also, Senate expects to begin consideration of H.R. 6061 no later than 5:45 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, September 21

House Chamber

Program for Thursday: Consideration of measures as follows: (1) H.R. 4830—Border Tunnel Prevention Act of 2006 (Subject to a Rule); (2) H.R. 6094—Community Protection Act of 2006 (Subject to a Rule); and (3) H.R. 6095—Immigration Law Enforcement Act of 2006 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.